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## Appeal Decisions

Site Visit made on 6 September 2021

**by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 October 2021**

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### **Appeal A Ref: APP/L3245/W/20/3265255**

#### **St Michaels Barn, Ludlow Road, Little Stretton SY6 6RE**

- 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 Nick Green against the decision of Shropshire Council.
  - The application Ref 20/01455/FUL , dated 3 April 2020, was refused by notice dated 22 June 2020.
  - The development proposed is Reconstruction of barn to provide a single dwellinghouse.
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### **Appeal B Ref: APP/L3245/Y/20/3265256**

#### **St Michaels Barn, Ludlow Road, Little Stretton SY6 6RE**

- 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 Mr Nick Green against the decision of Shropshire Council.
  - The application Ref 20/01456/LBC, dated 3 April 2020, was refused by notice dated 22 June 2020.
  - The works proposed are for the erection of attached barn to provide a single dwellinghouse affecting a Grade II listed building (as amended).
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## **Decisions**

### **Appeal A:**

1. The appeal is allowed and planning permission is granted for the reconstruction of barn to provide a single dwellinghouse at St Michaels Barn, Ludlow Road, Little Stretton , SY6 6RE in accordance with the terms of the application, Ref 20/01455/FUL, dated 3 April 2020, subject to the conditions attached in the Schedule to this decision.

### **Appeal B:**

2. The appeal is allowed and listed building consent is granted for the erection of attached barn to provide a single dwellinghouse affecting a Grade II listed building (as amended) at St Michaels Barn, Ludlow Road, Little Stretton , Shropshire, SY6 6RE in accordance with the terms of the application Ref 20/01456/LBC dated 20/01456/LBC and the plans submitted with it, subject to the conditions attached in the Schedule to this decision.

## **Procedural matters**

3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the parties.

## **Background**

4. Planning permission and listed building consent were granted in 2018 to convert the former cowshed that comprised part of the Listed Building to an open market residential barn conversion with vehicular access. However, both permission and consent were conditional upon the discharge of certain conditions, including pre-commencement conditions. These conditions were necessary in order to secure the cowshed's proper conversion with the aim of retaining the intrinsic character of the listed building.
5. The timber framing to the cowshed however has been dismantled and stone walls demolished. When an element of a listed building has been unlawfully demolished, the expectation is that it could be put back or rebuilt without needing listed building consent. The parties accept that the non-compliance with pre-commencement conditions and effectively the demolition of the cowshed is considered to be unlawful. Powers are available to a local planning authority to serve listed building enforcement notices requiring the remediation of unauthorised works to bring a building either back to its former state or, where that is not practical or desirable, to alleviate the effect of the unauthorised works. Further, there are powers to bring forward a prosecution through the Courts in respect of unlawful works to a listed building.
6. Since the applications were determined by the Council, Listed Building Consent has been granted for works to facilitate the erection of a domestic garage, store and workshop incorporating salvaged materials<sup>1</sup>. The application process included an assessment of those works in terms of the effects of the removal of the former cowshed element. This effectively means that listed building consent has now been granted for the works of demolition of the cowshed element on the basis of its replacement by the approved garage, store and workshop.
7. It is on this basis that I have considered the appeals.

## **Main Issues**

8. The main issues in this appeal are:
  - Firstly, in terms of heritage matters, whether the proposed development preserves the listed building comprising St Michaels Barn or any features of special architectural interest that it possesses, whether it preserves the settings of nearby listed buildings and whether it preserves or enhances the character or appearance of the Little Stretton Conservation Area.
  - Secondly, whether the site is a suitable location for development having regard to local planning policy.
  - Thirdly, the effects of the proposed development on the Shropshire Hills Area of Outstanding Natural Beauty.

## **Reasons**

### *Preliminary matters relating to heritage*

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<sup>1</sup> Council reference 20/05337/LBC - decision dated 13<sup>th</sup> March 2021

9. Situated within the Little Stretton Conservation Area (LSCA), the appeal site comprises part of the curtilage to the Grade II listed St Michaels Barn, which has seen part of its structure demolished leaving behind on the ground the dismantled timber framing together with heaps of stone following demolition. The site lies within the LSCA and village envelope. The conservation area is based on the village of Little Stretton, a village that hugs the western side of the valley floor and which retains much of the feel of a rural village nestled under the rolling hillsides of the Long Mynd. The area has the character of a quiet rural village within an attractive green setting with its buildings set close to the village road and framed by boundary walling. The centre of the village, which is more nucleated in form, has a series of small crossroads, which according to the Council, helps create distinct townscape groupings with farmsteads to the south of the crossroads contributing to the agrarian villagescape. The quality of views through historic buildings and the visual connection with the countryside are identified points of significance.
10. Prior to works of demolition, the appeal site comprised a former cowshed range lying parallel with the highway that projected in a southerly direction from the principal 'L' shaped agricultural building that has been converted to form two separate dwellings. Only a small section of the covered archway at first floor remains of the now demolished cowshed. Notwithstanding, the converted building comprising two dwellings forms a prominent structure opposite the listed manor house and Parish Church. The dwellings have been converted to a tasteful standard and their position retain the appearance and solidity of their former agricultural character, which in turn reinforces the agricultural character of this rural village and thereby reflects the significance of LSCA described above.
11. The appeal proposal would see the erection of a new dwelling incorporating some of the materials salvaged from the demolished structure. Although I note the intention of the appellant to faithfully reinstate most of the remnants that exist on site, including extensive parts of the timber framing and walling materials, as the Council explains, the extent of works that would be necessary would be predominantly a new structure rather than the reconstruction of the previous cowshed. A structural report and timber survey report from conservation architects explain what would be necessary to reinstate a substantial part of the timber framing elements. However, from what I observed during my site visit, much of the timberwork has been left without covering and will require significant new timberwork.

*Special architectural interest and significance of St Michaels Barn*

12. The details that are before me show the construction of an attached one and a half storey wing onto the principal building through the rebuilding of the covered cartway and extending along the footprint of the previous structure. External materials include stone with cedar cladding beneath a clay plain tiled roof and zinc covering to the rear lean-to. Whilst the Council find difficulties with reinstatement of a replica building on the basis of the unlawful demolition of part of the listed building, this is a matter that, in the context of these appeals, needs to be set aside and an assessment undertaken of the acceptability of the proposed scheme as an extension to a listed building within a conservation area.

13. The key element of issue in my view is whether the proposed extension would result in the loss of legibility of the historic building that survives. Clearly, the proposals utilise materials remaining following the taking down of the original wing. It replicates the previous building and indeed reinstates the plan form. The present situation leaves an incongruous gap when viewed from the street. Its historic plan form has been seriously degraded. The replacement building would represent a very significant improvement to what is presently displayed.
14. Whilst the proposed extension would inevitably appear as a modern addition as it would be impossible to create elements such as a sagging roofline, the proposed design, the use of appropriate local materials, including a considerable amount of salvaged material from the old building would preserve the special architectural and historic interest of the listed building, and to which the Courts have directed is a matter of considerable importance and weight. For the same reasons I conclude the proposals would accord with paragraph 199 of the National Planning Policy Framework (the Framework) which anticipates great weight being given to the conservation of designated heritage assets. Moreover, the reinstatement of the shape, form and size of the previous wing, in the context of paragraph 206 of the Framework, be held to 'better reveal the significance of the asset' and therefore merit support.

*Effect on the conservation area and settings of other listed buildings*

15. For the reasons set out above, I also conclude that the proposals would preserve the character and appearance of the Little Stretton Conservation Area, so according with the expectations of section 72 of the Act and with paragraph 199 of the Framework.
16. In addition, I am satisfied for the above same reasons that the proposed development would have a positive impact upon and not harm the settings of the Manor House or Parish Church that lie opposite the appeal site. Thus, the proposal would uphold the requirements of section 66(1) of the Act requiring that special regard must be had to the desirability of preserving the setting of listed buildings; that statutory duty also requiring that considerable importance and weight must be given to any harm to such designated heritage assets or their settings.
17. Insofar as local development plan policy applies to the development proposed in this context, I also consider the proposals accord with Policy CS6 of the Shropshire Core Strategy and Policy MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) which together, seek to ensure that heritage assets are protected, conserved, sympathetically enhanced and restored through, amongst other things, ensuring that proposals avoid harm or loss of significance to designated heritage assets and their settings.

*Suitable location*

18. The appeal site lies within a village setting; however, Little Stretton is not a settlement identified for future housing growth. CS Policies CS4 and CS5 and SAMDev Policies MD7a and S5 identifies a series of Community Hubs and Clusters within which open market housing may be permitted subject to certain criteria. Church Stretton is the nearest settlement that contains a settlement boundary and where housing development may be permitted. Notwithstanding that I find that Little Stretton has all the attributes of a village, outside such

Community Hubs and Clusters, new housing developments would be assessed as though they were located in the open countryside. As Shropshire can demonstrate a 5-year housing land supply, policies of this development plan must be accorded full weight. No evidence has been submitted to demonstrate that the exceptional circumstances identified in policies CS5 and CS11 of the Council's Core Strategy would apply in this instance.

19. Had there still been a building at the site, the Council accepts that the proposed development would have accorded with policy CS5 of the Core Strategy and MD13 of the SAMDev, in principle. Although on the face of it, the Council's approach may be considered pedantic, the policies align with the Framework and paragraphs 77 to 79 which states that new residential units in the "countryside" should be avoided unless there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. The Council goes on to explain that the loss of the heritage asset in this case results in the proposal being for a new build and one which is materially different to previous consents on the site for conversion of a historic building.
20. The proposed development for an open market dwelling would be contrary to development plan policies as explained above. I have no reason but to accept that the development plan policies must prevail despite the unusual set of circumstances in this case where, had the building not have been removed, a different conclusion might have ensued.

#### *AONB*

21. The appeal site is located within the Shropshire Hills AONB. Decision makers have a statutory duty<sup>2</sup> to conserve and enhance the natural beauty of AONBs, which are afforded great weight by the Framework.
22. The appeal site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geodiversity and biodiversity and as a key part of Shropshire's Environmental Network. It recognises the need for development to be of higher quality in the AONB, stating that: "Proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty."
23. Little Stretton sits at the bottom of the southern end of the Long Mynd in the valley opposite Ragleth Hill and still retains its historic agrarian charm and layout as a rural village. The appeal site is situated below the scenic wooded hills that form the backdrop to Little Stretton within the AONB. These hills are prominent both in short and longer views from the surrounding area and are exceptionally attractive features within the landscape. The proposed dwelling would be positioned alongside the existing cluster of former agricultural buildings and would take the form of a new property set within a relatively extensive plot. In this regard, it would have an acceptable relationship with the

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<sup>2</sup> Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended)

existing pattern of development and reinstate at least the form of the previous building that occupied the site prior to the (partial) demolition. A development of the type proposed here would be respectful to the rural village setting and would not be harmful to this part of the AONB in my view.

24. For the above reasons, I conclude that the development would not harm the scenic qualities of the Shropshire Hills AONB. It would therefore comply with the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), which seek to protect the landscape and natural environment of the AONB. It would also comply with the Framework in this regard.

*Living conditions – existing and future occupiers*

25. The Council explains that amendments to the conversion of the principal building (Barn 2) would see the introduction of three additional ground floor openings consisting of fully glazed doors a utility room (effectively a back door), a dining room and the kitchen to that unit. These glazed doors would open out to the courtyard between the principal building (the converted Barn 2) and the proposed development.
26. Given the juxtaposition between the units, I do not find it unusual in the context of barn conversions for there to be some overlooking between windows. It seems to me that the Council was in a position to avoid potential conflicts of this nature and chose not to negotiate a standard that it would be happy with. That said I do not find that unacceptable harm would result from the window relationship proposed. Rather, I find that such a relationship would be typical of converted rural buildings, including in situations where new developments would have to be built in close proximity to historic buildings. The Council accepts that rear gardens would provide for a good level of privacy.
27. Given what I saw during my site visit, the proposed development would not give rise to unacceptable harm to the living conditions of either existing or future occupiers. Accordingly, the proposal would comply with Policy CS6 of the Core Strategy and Policy MD2 of SAMDev which both set out to ensure that new development safeguards both residential and local amenity conditions.

## **Overall Planning Balance**

*Heritage balance*

28. The proposal would bring about public benefits albeit of modest scale in terms of the provision of a new dwellinghouse, particularly in a village that is constrained by virtue of the Council's planning policies. There would also be short term benefits during the construction of the dwelling and longer term benefits in terms of additional expenditure in the local area, both of which also carry modest weight.
29. The National Planning Policy Framework ("the Framework") advises that, where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. It follows that although substantial harm has arisen to the listed St Michael's Barn Listed Building through the loss of a section of the former agricultural complex, the threat of the building continuing to decline has no bearing on my decision. But, to my mind, there would be significant benefit arising from a well-designed extension to this Listed Building. Moreover, the

reinstatement of the original form of St Michaels Barn would lead to the enhancement of the character and appearance of the LSCA, which would be of significant benefit.

30. That the site is within a village setting with its local services indicates an absence of harm is a neutral factor in my determination, carrying no positive weight. The issue of Braintree<sup>3</sup> is not of relevance given the site's location within the built-up part of Little Stretton.
31. Although I have assigned various weight to those benefits listed above, their collective weight would be significant. The harm caused to the significance of the Listed Building in terms of its historic form would, to some degree, be offset by an extension that follows the form and scale of the collection of buildings comprising the Listed Building. The obvious gap within an important and sensitive part of the LSCA has also caused significant harm; the proposed extension would lead to the enhancement of the character and appearance of this heritage asset. I am also mindful of the lack of any harm to the setting of nearby listed buildings that would arise from the appeal scheme. Nevertheless, I must attach considerable importance and weight to the harm that has been caused to heritage assets.

#### *Planning balance*

32. For the reasons given above, the proposed development in both Appeal A and Appeal B would preserve the character of the Listed Building and positively enhance this heritage asset and, in terms of the issues arising in Appeal A, would also preserve the settings of nearby listed buildings. Moreover, in terms of Appeal A, the appeal scheme would enhance the character and appearance of the LSCA. It therefore follows that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the significant benefits of the proposal outweigh the identified conflicts with the development plan.

#### **Conditions**

33. The Council has summarised but not fully articulated the conditions that it considers desirable. I have considered the gist of these in the light of the advice contained within the Government's Planning Practice Guidance (PPG) and used my own wording so that they are compliant with the PPG. Whilst development and works appear to have commenced on site, it is unclear whether these relate to the appeal submissions; I have therefore attached conditions relating to commencement of development and works. I have attached a condition specifying the approved drawings to provide certainty. In terms of Appeal A, I have included a condition requiring details of external materials to protect the character of the area. I have attached conditions requiring the submission and approval by the Council of bat and bird boxes and proposed external lighting so that the habitats of wildlife species are enhanced/protected. A condition is attached requiring that the window to the proposed first floor south facing bedroom is finished with obscure glazing so

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<sup>3</sup> Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)

that the living conditions of existing and future occupiers are protected. Given the sensitivity of the site in question, a condition is included removing permitted development rights at the property. I do not consider that conditions relating to piling or limiting construction hours are necessary given that the concrete base is already in situ whilst construction of an extension to form a single dwelling would be unlikely to give rise to noise related problems.

34. In terms of Appeal B, I have included a condition requiring the Council's approval in writing of details of external finishes considered pertinent to the historic and architectural interest of the listed building. This includes in addition, a condition requiring approval of schedule of repairs for the timber framing.

### **Conclusion**

35. The scheme the subject of these appeals would not adversely affect the architectural or historic significance of the Listed Building but rather, it would enhance the Listed Building. Neither would the scheme lead to unacceptable harm to the settings of other listed buildings in the immediate area. It would enhance the character and appearance of the Little Stretton Conservation Area, in line with national, local and statutory requirements. These are weighty material circumstances that outweigh the settlement policies of the development plan. There are no other grounds for objection. For the above reasons, both appeals are allowed.

*Gareth W Thomas*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### **Appeal A:**

- 1) The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No.2304/1; Existing Block Plan Drawing No.2304/2; Proposed Block Plan Drawing No.2304/1a; Proposed Floor Plans Drawing No.2304/4b; Existing Elevations Drawing No.2304/3; Existing Sections Drawing No.2304/11; Proposed Elevations Drawing 2304/5c; Details Floor Plans 1 Drawing No.2304/7; Details Floor Plan 2 Drawing No.2304/9, and; Detailed Section Drawing No.2304/8.
- 3) Before any above slab works take place details of the materials and finishes to be used for external walls and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 4) Prior to any works relating to the roof structure commencing details for the provision of nesting boxes and crevice bat roosting facilities and/or bat lofts together with all external lighting shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented prior to first residential occupation of the dwelling.
- 5) The first floor south facing bedroom window shall be finished in obscure glazing and maintained thereafter in perpetuity.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof or any new building or enclosure within the curtilage, without the prior written approval of the local planning authority.

### **Appeal B:**

- 1) The works hereby granted listed building consent shall be begun before the expiration of three years from the date of this consent.
- 2) No works above slab level shall take place until details of all external construction Works, the methods, materials and components to be used in the Works have been submitted to and approved in writing by the local planning authority. Works shall include a timber-by-timber inspection of the structural frame, its components and joints. This inspection shall inform a fully detailed scheme of repairs which shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant works. The scheme shall include: a) a method statement, having regard to the structural integrity of the frame; b) plans, sections and elevations at a scale of not less than 1:50 showing full details of the frame components to be repaired or replaced, c) a complete specification for

replacement timbers, d) the proposed methods of repair; and e) the type of surface treatments or decorative finishes to be applied. The Works shall also include details for the provision, alteration, replacement or maintenance of masonry, brickwork, lime mortar for stonework bedding and jointing, stone quoins, cladding, roof materials, fenestration, external joinery, metal rainwater goods and decorative features. The works shall be undertaken in accordance with the approved details.

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