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<b>APPLICATION NO.</b>	18/02228/LBWS
<b>APPLICATION TYPE</b>	LISTED BUILDING WORKS - SOUTH
<b>REGISTERED</b>	23.08.2018
<b>APPLICANT</b>	Mr James Scougall
<b>SITE</b>	Tiebridge Farm, Houghton Road, North Houghton, SO20 6LQ, <b>HOUGHTON</b>
<b>PROPOSAL</b>	Structural repairs and cosmetic improvements including fitting out WC accommodation
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Mr Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 Tiebridge Farm is a former farmstead which is now an individual dwelling. The main dwelling is Grade II listed, as is the barn to the rear of the property, which is the subject of this application. Tiebridge Farm and the barn subject to this application were both listed on February 7 1996 – the barn is not curtilage listed, but is listed in its own right with its own listing.

2.2 The listing is described as follows:

*HOUGHTON NORTH HOUGHTON SU 33 SW 4/27 Barn 50m NE of Tiebridge Farmhouse II Barn. C17. Timber-frame weatherboarded on brick and concrete plinth, corrugated iron roof. Low 6 bay barn, possibly for wintering sheep. Double doors in 3rd bay from left and 2nd bay from right. C20 ventilation windows cut in other bays. Inside queen-post roof with braces, some curved, from posts to tie-beam and wallplate. Curved windbraces.*

## 3.0 PROPOSAL

3.1 The proposal consists of various structural repairs to the barn, inclusive of cosmetic works and an internal W.C. and kitchen area. These works are considered as follows:

- Brick plinth
- Installation of windows and doors
- Internal plasterboard and internal designs
- Insulation (spray foam to roof and membrane wall insulation)
- Insertion of a W.C. and kitchen
- Partition wall above W.C. and kitchen
- Laying of internal flooring
- Weatherboarding
- Electrical system (radiators, lights etc.)

#### 4.0 HISTORY

- 4.1 **TVS.LB.00453/1** – Conversion of barn to two holiday units – *Consent 08.04.1992.*

#### 5.0 CONSULTATIONS

- 5.1 **Conservation** – Objection, summarised from paragraph 8.8 and onwards.

#### 6.0 REPRESENTATIONS Expired 21.09.2018

- 6.1 **Houghton Parish Council** – No comment.

#### 7.0 POLICY

##### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

##### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

E9: Heritage

#### 8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning consideration is the impact of the proposal upon the historic interest, setting and fabric of the listed building (i.e. it's significance).

- 8.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight must therefore be given to the preservation of the listed building, including its setting.

- 8.3 The House of Lords in *South Lakeland District Council v Secretary of State for the Environment* case decided that the "statutorily desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved".

- 8.4 Policy E9, which is paramount in assessing this proposal, states the following.

*'Development and/or works affecting a heritage asset will be permitted provided that:*

- a) It would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance and setting; and*
- b) The significance of the heritage asset has informed the proposal through an assessment proportionate to its importance.*

*Development which will result in the substantial harm to or loss of the significance of a designated heritage asset will not be permitted unless:*

- c) *it is outweighed by the substantial benefit to the public of bringing the site back into use; or*
- d) *the nature of the heritage asset prevents all reasonable use; and*
- e) *its conservation cannot be achieved by either a viable alternative use, support from public ownership or funding from other sources; and*
- f) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*Development which will lead to less than substantial harm to the significance of a designated heritage asset will be considered against the public benefit of the proposal, including securing a viable use.'*

The wording of the policy is consistent with Section 16 of the NPPF.

- 8.5 The process of determining the degree of harm, which underlies paragraph 193 of the NPPF must involve taking into account the value of the heritage asset in question. In considering harm it is also important to address the value of the asset, and then the effect of the proposal on that value. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and it is for the decision maker to assess the actual significance of the asset and the actual effects upon it.
- 8.6 The Court of Appeal in *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA 137 (“Barnwell”) makes clear that the duty imposed by s72 (1) meant that when deciding whether harm to a conservation area or listed buildings was outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of permission in such cases. The exercise is still one of planning judgement but it must be informed by that need to give special weight to maintaining the conservation area/listed building. For the reasons set out above, if the proposal is in conflict with Policy E9 of the TVBRLP, it would also be in conflict with the NPPF unless the benefits of the scheme clearly outweigh the harm.
- 8.7 The barn, which is subject to this application, is Grade II listed and has been tree-ringed dated to 1558/60. The barn is located 50m north-east of the host dwelling, Tiebridge Farm, which itself is a Grade II listed building. The barn itself is considered to be a rare example of a barn, locally and nationally, and hence the listing of the building in its own right and not curtilage listed, tied to the main dwelling.

The barn has gone through various alterations and amendments throughout its history, and is not clearly visible from any public vantage points but is prominent in views of and from the main dwelling. An assessment of each individual element of the scheme is set out below.

## 8.8 Brick plinth

A brick plinth has been laid around the north, south and west sides of the building. The west side has a lead flashing over the brickwork, while plastic sheeting can be seen on the southern elevation above the brickwork. The brick plinth has been used as a method of masking the existing plinth behind but no detailed information has been provided to show exactly what has been built or how it may affect the heritage asset. There is also no information about how the damp proof course has been installed. This could have been shown in a cross section/section through the building. This brick plinth is potentially acceptable in conservation terms but without clear details of the new construction, it is not possible to fully assess what harm may have been caused to the significance of the listed building.

Harm: less than substantial. Lower end of this scale (subject to further information). The details of the brick are required but are potentially acceptable. The cementitious mortar mix and pointing finish (bucket handle) are not desirable and have led to further harm to this listed building.

## 8.9 Installation of windows and doors

Various windows and doors have been installed throughout the building, including a double door on the western elevation, a personnel door on the east elevation, with windows along the eastern elevation. There is also a large double window within bays E and D on the east elevation, and a window in each gable end. The double door on the western elevation is considered to be poorly designed, using poor quality materials and detailing (it appears to be made of plywood). There is no objection to the principle of the windows in the eastern elevation, although the finish and detailing is far from ideal and has led to less than substantial harm to the building.

However, no specification (materials, scale drawings, including sections) for the windows and doors has been submitted as part of the application. The reason for the installation of the two large windows on the east elevation is not explained and no detail of how they have been fitted is provided. It is also noted that the original gable openings have been repositioned as part of these works, for which no justification is provided.

In summary, the location and design of the proposed windows and doors may be acceptable but without any further information regarding the historic fabric and significance of the building, or a specified use class being proposed, a definitive judgement cannot be made.

Harm: less than substantial. Assuming no significant historic fabric has been affected, the harm is at the lower end of the scale. The principal harm is the glazed screen in the east elevation, both in terms of a loss of fabric and appearance.

#### 8.10 Internal plasterboard and internal designs

All four internal elevations have been finished in plasterboard, as has the internal partition for the W.C's and kitchen area. The plasterboard has clearly covered much of the internal framework, which previously was visible internally and contributed to the character of the building. A large internal boxed plinth has been installed around the east, west and south internal elevations of the building. No information has been submitted explaining what this is for or why it is required. No details of its construction (e.g. cross sections) or a clear justification for these works have been provided.

Harm: less than substantial. Assuming there is no loss of historic fabric, the harm is at a medium level within that category. However, there could be a greater level of harm depending on what works have indeed been undertaken and what materials have been used.

#### 8.11 Internal flooring

A concrete floor appears to have been laid with a wooden floor atop this. There is no section drawing, method statement or specification as to how the concrete flooring or the internal wood flooring has been laid, or to the material of the internal wood flooring. There is also no clarification as to when the concrete floor had been laid. It is considered that these types of flooring would not be suitable for an agricultural unit, as there is no specified change of use application to assert what purpose the laying of these floors are for.

Harm: less than substantial. Low but could be potentially higher depending on the nature of the construction.

#### 8.12 Spray foam insulation

A layer of sprayed foam has been applied directly to the underside of the roof of the barn. It is the view of the Conservation Officer, one agreed with by the applicant, that such spray foam is not appropriate in this context, both in principle and in the manner which it has been installed. The spray foam has been applied recklessly, where the historic timber roof frames have been left exposed to the application of the spray foam. It was suggested that these timber frames had been wrapped in plastic during the application of the spray foam; however there appears to be remnants of the spray foam dotted along various timber frames. Due to a lack of specification and/or method statement to clarify the works that were carried out, it is unclear what the immediate damage to the historic fabric is or what the long term impact could be i.e. with the potential removal of the spray foam to the roof.

Harm: less than substantial, but at the upper end of that scale. If there is evidence that the foam is harmful to the historic timbers then the harm to the significance may be at the upper echelons of less than substantial harm.

#### 8.13 Wall insulation

No specification or detail has been submitted for the wall insulation that has been installed. The insulation has been installed on the inside of the timber framed walls rather than on the outside, which has resulted in only the principal members of the frame (posts etc.) remaining visible internally, changing the internal character and harming the building's significance. As the external weatherboarding was in poor condition and modern, it is not considered to be of intrinsic significance. However, the insulation could have been installed on the outside face of the timber frame without resulting in any harm to the significance of the listed building (as approved under TVS.LB.00453/1). There is no explanation as to why that approach has not been adopted here is provided.

Harm: less than substantial, moderate to high.

#### 8.14 Insertion of W.C and kitchen

Two WCs and a kitchen have been installed in the northern end of the barn, with a plastered partition wall providing separation between these areas and the rest of the barn. The heritage statement explains that there is evidence for original internal partitions, but that these were at the southern end of the building. Given this, inserting partitions at the south end of the building could be considered to help to better reveal its significance. Even though there is insufficient evidence to reinstate the partitions accurately, simple modern partitions could be used to recreate the historic spaces. As constructed the partitions divide up the existing historic space, in itself harmful to the building's significance, without taking the opportunity of inserting the partitions on the line of known historic divisions. Even so, the materials used are of a modern appearance and not considered to sustain the significance of the building. No information has been provided regarding the method by which the partition walls are fixed or how the toilet and kitchen are plumbed. Indeed, there is no information regarding the building's proposed use or to explain the need for a WC and kitchen. Without this information or, it is not possible to weigh the resulting harm to the building's significance against any public benefits, thus the works are difficult to justify.

Harm: less than substantial, moderate to high

#### 8.15 Partition wall above W.C. and kitchen

A partition has also been installed above the plastered W.C/kitchen partition wall; it is made from plywood, an inappropriate material for such a prominent location, and is crudely detailed. The resulting full-height partition divides the previously open building, and this partition obstructs a full-length view of the interior at roof level. It divides the northern bay from the rest of the space, and is something for which there is no historic evidence (unlike in the corresponding truss at the south end). Again, the lack of any proposed new use for the building means that this resulting harm cannot be balanced against any public benefits a change of use may bring.

Harm: less than substantial, moderate to high.

#### 8.16 Weatherboarding

New weatherboarding has replaced the old boarding externally. In principle, there is no objection to this because the replaced boarding was relatively modern and of no significance, as well as being in poor condition. However, the fixing of the weatherboarding has not been carried out in a sustainable manner to protect the fabric of the listed building. The boards have been double fixed with screws along both the top and bottom edges. This would prevent the boards shrinking across their width, and as they try to do so they are likely to split. From site visits to the barn, it is also apparent that the detailing of the boarding has not been carried out in a thoughtful manner, with large overhangs and exposed screws visible at the corners. The fixing method and detailing has resulted in harm to the building's significance.

Harm: less than substantial, moderate.

#### 8.17 Electrical system

Various radiators, lighting systems and a projector have been installed within the building. Radiators are clearly not a traditional feature of agricultural buildings, and would further add to the harmful change of character resulting from these proposals. Without a new use proposed for the barn, there are no public benefits against which the harm resulting from the installation of these radiators, and the various other paraphernalia. It is also unclear how these radiators have been fixed to the wall and if any harm to historic fabric has occurred.

Harm: less than substantial, mid to low end of that scale.

#### 8.18 Relationship to previously approved conversion TVS.LB.00453/1

The application refers to a previous planning permission and listed building consent for the conversion of the barn into two holiday units granted in 1992) (reference TVS.LB.00453/1), which is now lapsed. Notably, an approved plan (ref. 0639/03 A dated Feb '92) indicates the method of the insulation of the external walls. This consisted of insulation and plasterboard inserted in the panels between the timbers which allowed the timber frame to be exposed internally. This is not the method adopted in this application. It is also noted that a partition was included to separate the two units; this would have been considered in connection with the proposed use of the building. Again, with no use being attributed to the building currently, it is not possible to look favourably on the insertion of a partition wall. A typical section included in the approved application for listed building consent, confirmed how the conversion would be carried out, including dwarf walls, DPC levels and the floor slab. Such information is omitted from this current application. The 1992 consent confirms that it is possible to make changes to this building, provided that the method and manner of works are sympathetic to the building and that any harm is outweighed by a public benefit. This elapsed permission, dating from 1992, utilised a now superseded policy framework. Recent case law (as described above) has clarified the importance of minimising any harm to a heritage asset while ensuring that it has a sustainable use. Achieving this

depends on a full understanding of the building's significance and the application of high quality design principles. The works carried out in this case are significantly less-well considered than the previous, elapsed approval and with current case law and local/national planning policy.

#### 8.19 The use of the building

The application has been submitted with a suggestion that there is no proposed change of use to the building, and that the barn can be considered as having a *sui generis* use. It is argued that as the site has long ceased to be used for farming that effectively the building's use is a clean slate and that there is no longer an agricultural use. However, *sui generis* does not imply that no use class applies, but is simply applied to buildings which do not fall within a list of specific uses. The building must be in use for something before it is designated with a "use", whether this is *sui generis* or otherwise. Therefore, *sui generis* can not be applicable in this instance. Planning law dictates that where an application is considered to be of "nil use" that the lawful use of a building would be for agricultural purposes and this is the case here. The application can therefore only be viewed in the context of what is required for and justified in an agricultural building.

#### 9.0 **CONCLUSION**

9.1 The works carried out are not considered to have preserved or sustained the significance and historic character of the listed building, and harm has been provided without any public benefit. The Planning (Listed Buildings and Conservation Areas) Act 1990 require works to have a special regard to the desirability of preserving the building and any relevant features of special historic or architectural interest. The application has included no justification for the carrying out of these specific works, to a listed building considered to be in agricultural use. The works that have been carried out are considered to have resulted in less than substantial harm to the historical and architectural significance of the listed building without providing any public benefits that outweigh this harm.

9.2 Furthermore, it is considered that the historic appearance and importance of the barn has been altered and diminished due to the works undertaken, and these works also fail to preserve the character, setting and fabric of the listed building. Therefore the proposal is not in accordance with Policy E9 of the Revised Local Plan or sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 10.0 **RECOMMENDATION**

##### **REFUSE for the reasons:**

- 1. The works that have been carried out are considered to have resulted in less than substantial harm to the listed building. No public benefits have been provided to outweigh this harm. As such, the proposal is considered to be contrary to criterion (a) of Policy E9 of the Test Valley Borough Revised Local Plan (2016) and sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**



2. **Insufficient information has been submitted to enable a clear analysis of the works that have been carried out, to determine exactly what harm has resulted and to assess what works could be reversed without resulting in additional/further harm to the listed building. Without this information, the works are considered to have been undertaken without due care to the setting and fabric of the listed building, with no public benefit provided to outweigh this harm. As such, the proposal is considered to be contrary to criterion (a) of the Policy E9 of the Test Valley Borough Revised Local Plan (2016) and sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Note to applicant:**

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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