



Appeal Decisions

Site visit made on 2 October 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal A: Ref: APP/F4410/W/19/3231784

Land adjoining Poplar Farm, Crow Tree Lane, Adwick-upon-Deerne, Doncaster, S64 0NN

- 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 and Mrs J Story against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 18/03144/FUL dated 21 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is: Erection of a single-storey dwelling and improvements to existing access.
 -
-

Appeal B: Ref: APP/F4410/Y/19/3231783

Land adjoining Poplar Farm, Crow Tree Lane, Adwick-upon-Deerne, Doncaster, S64 0NN

- The appeal is made under section 20 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs J Story against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 18/03145/LBC, dated 21 December 2018, was refused by notice dated 15 February 2019.
 - The works proposed are: Erection of a boundary wall and alterations to existing boundary walls.
-

Decision: Appeal A

1. The appeal is allowed, and planning permission is granted for the erection of a single-storey dwelling at land adjoining Poplar Farm, Crow Tree Lane, Adwick-upon-Deane, Doncaster, S64 0NN in accordance with the terms of the application, Ref: 18/03144/FUL dated 21 December 2018, subject to the conditions set out in the Schedule attached to this decision.

Decision: Appeal B

2. The appeal is allowed, and listed building consent is granted for the erection of a boundary wall and alterations to existing boundary walls at land adjoining Poplar Farm, Crow Tree Lane, Adwick-upon-Deane, Doncaster, S64 0NN in accordance with the terms of the application Ref: 18/03145/LBC dated 21 December 2018 subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters - Both Appeals

3. The site address is given as Manor Lane on the appeal form and Crow Tree Lane on the application form. As the site access would be taken from Crow Tree Lane, I have used that address to identify the site.
4. The Council has acknowledged that in its decision notices and officer reports it erroneously referred to the March 2012 version of the *National Planning Policy Framework* (the Framework). This has been superseded by the updated *Revised National Planning Policy Framework* (February 2019), which sets out the Government's latest National planning policies.

Main Issues - Both Appeals

5. I consider the main issue in **Appeal A** is the effect of the proposed development on the setting of Grade II listed Poplar Farm, a Grade II listed building.
6. As part of the appeal process the Council has clarified that reference to alterations and demolition of existing walls to form the in the decision notice was an error. I therefore consider that the main issue in **Appeal B** is the effect of the proposed new boundary wall and alterations to exiting walls on the setting of Poplar Farm.

Policy – Both Appeals

7. Policy CS5 of the *Doncaster Council Core Strategy 2011-2028* (CS), May 2012 says proposals will be supported which preserve, and where appropriate, enhance the heritage significance and setting of the Borough's heritage assets. Amongst other matters, saved Policy ENV4 of the *Doncaster Unitary Development Plan* (UDP), July 1998, says permission will not normally be granted for development which would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design.

Reasons - Appeal A

8. It is proposed to erect a one-bedroom dwelling with integral garage in the vernacular style of a converted open-fronted cart shed. Access would be taken from an existing access to Crow Tree Lane and a new boundary wall would be erected to define the extent of the plot. The appeal site is currently well-maintained and used as part of the garden of Poplar Farm.
9. The proposal is a resubmission following refusal of an earlier scheme on the same site in an attempt to address the Council's previous concerns. The previous scheme was for a larger dormer-windowed bungalow set transversely across the site, whereas the current smaller dwelling is shown positioned parallel to the south-east boundary, aligning with the gable end of a recently built dwelling fronting Crow Tree Lane.
10. The appellant has provided a large amount of evidence, including historical map extracts, in an attempt to define whether or not the appeal site may be considered to be part of the curtilage of the listed building. These suggest that there have been at various times in the past a wall or hedge dividing the site from the rest of the farm complex, and the appellant suggests that that the site may not have been functionally related to the agricultural operation of the farm or even been in separate ownership at some previous time. Whatever the

reasons for these earlier boundary features, the appellant says the one-time separation of the site from the immediate surroundings of the farmhouse calls into question any direct functional and historic association with the listed building. On the other hand, the Council says the evidence is not conclusive, and suggests that the site may have functioned as a kitchen garden associated with the farmhouse. What is not disputed is that the site is currently part of the garden of the farmhouse.

11. Nonetheless, considerations of setting, which is the main issue here, are separate from considerations of curtilage. The Historic England (HE) *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*, is useful. It states that: "Understanding the history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance". It also refers to cumulative change, and states "*where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from or can enhance the significance of the asset*".
12. A large part of Poplar Farm's special architectural and historic interest derives from its status as an imposing early 19th century farmhouse with an elegant main elevation with pedimented central feature. This formal frontage faces the farmyard, and clearly has a direct relationship with it. This relationship was previously stronger, as the farmyard included another range on the opposite side (now demolished). However, planning permission has been granted to recreate this range, including together with other new residential development. In my view, apart from the architectural interest and aesthetic value of the farmhouse, its functional and visual relationship to the associated farmyard contributes greatly to the significance of the listed building, and this would not be affected by the proposed development.
13. Although appeal site and retained side garden form part of the setting of the listed building, this area has lesser importance in terms of the way it contributes to the building's significance. Firstly, because it is seen in the context of the secondary side elevation of the farmhouse, and secondly, because it has been compromised by the construction of late 20th century suburban style housing on two sides, with some of this housing being very close to the rear elevation of the farmhouse.
14. In this context, the proposed dwelling would still allow views of the side elevation of the farmhouse from the west, and its modest height and simple form would ensure that it would not be unduly obtrusive or compete in pre-eminence with the farmhouse. Whilst the effect of cumulative change cannot be under-emphasised, I am satisfied on balance that the proposed dwelling would not further detract from the setting of the listed building to any significant degree.
15. The Council has raised objections to the 'agricultural' style of the proposed building, stating that a garden style would be more appropriate given the possible previous use of the site. However, I am satisfied that the agricultural style would better serve to retain a perceived functional relationship with the farmhouse. However, some of the materials indicated on the submitted plans

would be out-of-keeping and inappropriate. Notwithstanding this, the appellant's *Heritage Statement* says natural or high-quality artificial slate would be used, and windows and door frames would be in painted timber. Such natural materials are necessary in my view to respect those of the farmhouse and associated buildings and could be secured by condition.

16. The Council also says the amount of land around the farmhouse is important as it reflects its status. However, other areas of garden would remain, and I am not persuaded that its 'status' would be compromised by the proposal.

Conclusion-Appeal A

17. The statutory test in relation to listed buildings¹ is that special regard shall be given to the desirability of preserving the building, its setting, or any features of special architectural or historic interest it possesses. Framework Paragraph 193 says 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. Overall, whilst I am not convinced that the setting of the listed building would be enhanced, as suggested by the appellant, I am satisfied that the proposed development would have a neutral effect that would preserve that setting, causing no harm to the significance of this heritage asset. Therefore, the question of public benefits to outweigh any harm does not arise. As such, I find no conflict with CS Policy CS5, saved UDP Policy ENV4, the provisions of the Act, and the Framework.

Reasons -Appeal B

19. It is not in dispute between the parties Council that existing boundary walls enclosing the site may be considered as curtilage listed structures, as further to the provisions of Section 5(2) of the Act I have no reason to disagree.
20. The Council says the proposed new boundary wall and alterations to existing boundary walls accommodate it would be harmful, though has not provided further information to explain what that harm would be. As I have allowed the corresponding appeal for the proposed dwelling, it would be reasonable to expect some physical demarcation between the plots, and I am satisfied that a natural stone-built wall would be appropriate.

Conclusion-Appeal B

21. Even though the proposed wall would not be in the same position as a historic wall in that position, I am satisfied it would have a neutral effect that would preserve setting of the listed building, causing no harm to its significance. Therefore, the question of public benefits to outweigh any harm does not arise. As such, I find no conflict with CS Policy CS5, saved UDP Policy ENV4, the provisions of the Act, and the Framework.

¹ Sections 16(2) and 66 (1) Planning (Listed Building and Conservation Areas) Act 1990

Other Matters

22. I note the comment made by a local resident that there are enough houses in the village, and that additional development would put a strain on facilities. Whilst I note these comments, the single one modest-sized dwelling would not in my view be significant in terms of its impact on these issues.
23. It is stated that the dwelling would be occupied by the appellants and would enable them to continue living close to the family home without the ongoing burden and worry of maintaining the large farmhouse. However, no mechanism (such as a Unilateral Undertaking) has been provided which might control future occupancy. As such, this is not a matter which has influenced my reasoning.

Conditions- Both Appeals

24. I have considered the conditions put forward by the Council in the light of the advice in the Framework and Planning Practice Guidance (PPG)
25. In addition to the standard condition for the commencement of development and works, conditions are needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. However, as discussed above the details of the materials shown on Plan P24 Rev A are inappropriate, and the suggested conditions are necessary to secure the approval and use of natural materials as stated on the appellant's Heritage Statement to protect the setting of the listed building. For the same reason a condition requiring detailed drawings of the window frames and other joinery is needed. However, I have not imposed the condition requiring details of the proposed rooflight, as these are clearly shown on the submitted plans.
26. The conditions requiring the submission and implementation of a landscaping scheme, and that controlling permitted development rights for the alterations to the roof (which includes the installation of solar panels) are also justified in order to safeguard the setting of the listed building.
27. With respect to the listed building consent, conditions requiring samples of stone for the proposed new wall and details of any alterations to existing walls are needed to protect the setting of the listed building.

Overall Conclusion – Both Appeals

28. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions - Appeal A: APP/F4410/W/19/3231784

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P24 Rev A (Plans and Elevations), P25 Site Plan and Sketch), P26 (Block Plan), and OS2 Rev A (Site Location Plan).
- 3) Notwithstanding any details shown on the submitted plans, the development hereby approved shall not begin until details of the walling material, which shall be natural stone, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding any details shown on the submitted plans, the development hereby approved shall not begin until details of the roofing material, which shall be of natural slate or natural clay pantiles, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the details shown on the approved drawings, the development hereby approved shall not begin until details of all windows and doors, which shall be constructed in timber, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the details shall include an elevation at 1: 20 scale of each window and door type, and 1:5 cross sections. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of the relevant works, a sample of the stone to be used in the construction of the development hereby approved shall be provided on site for inspection and approval by the Local Planning Authority. Subject to the approval of the stone, a one metre square sample panel shall then be constructed on site showing pointing and coursing, also for inspection by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the design, size, location, materials and colour of any flues and vents (including any roof insulation, heating, plumbing, and air extract vents), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the occupation of the development hereby permitted, details of hard/soft landscaping, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include any additional alterations to boundary treatments including gates and the surface treatment of the parking/turning area and access to Crow Tree Lane. The approved landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping shall thereafter be maintained by the site owner for a period of five years. Any tree or shrub planted in accordance with the scheme which becomes damaged or diseased, dies or is removed, shall be replaced during the next planting season.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any other Order revoking or re-enacting that Order), no development contained within Class C of Schedule 2 (Part 1) of the Order shall be carried out without the prior permission of the Local Planning Authority.

Schedule of Conditions - Appeal B: APP/F4410/Y/19/3231783

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works authorised by this consent shall be carried out in accordance with the following approved plans: P24 Rev A (Plans and Elevations), P25 Site Plan and Sketch), P26 (Block Plan), and OS2 Rev A (Site Location Plan).
- 3) No relevant works shall take place until a sample of the stone to be used in the construction of the proposed boundary wall has been provided on site for the inspection and approval of the Local Planning Authority. Subject to the approval of the stone a one metre square sample shall be constructed on site showing pointing and coursing of the stonework for the inspection of the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 4) No relevant works shall take place until details of the alterations to the existing boundary walls, including gates, have been submitted to and approved in writing by the Local planning Authority. The works shall be carried out in accordance with the approved details.