

02/11/2020 Applicant's response to Committee Report. Applicant's responses are numbered and given in blue text below.

MEETING: PLANNING AND REGULATORY COMMITTEE

DATE: 4 NOVEMBER 2020. Agenda item 9

TITLE OF REPORT: 201645 - PROVISION OF 2 NO. ADDITIONAL ROOFLIGHTS ON NORTH ELEVATION OF BARN AT 3 HIGH STREET, WEOBLEY, HEREFORD, HR4 8SL and; 202284 - APPLICATION FOR VARIATION OF CONDITION 2 OF

PLANNING PERMISSION 184664 - TO ACCOMMODATE 2 NO. ADDITIONAL ROOF WINDOWS ON NORTH ELEVATION OF BARN 3 HIGH STREET, WEOBLEY, HEREFORD, HR4 8SL

For: Mr & Mrs Starnes per Mr. Laurence Ray, Waterloo,

Ledgemoor Road, Weobley, Hereford, Herefordshire HR4 8RJ

WEBSITE LINK:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201645&search-term=201645

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202284&search-term=3%20high%20street%20weobley

Reason Application submitted to Committee – Re-direction

Date Received: 28 May 2020 Ward: Weobley Grid Ref: 340329,251550

Expiry Date: 9th November 2020

Local Member: Councillor Michael Jones

1. Site Description and Proposal

1.1 Weobley is a large village located some 10 miles north-west of the city of Hereford. The entirety of the village falls within the boundaries of Weobley Conservation Area. The historic centre of the village is an extremely well preserved remnant of what was a larger medieval town. The historic town of Weobley contained a church, market and castle. Many very old buildings following the original street layout remain, particularly at the centre of the village which is focused around the Rose Garden. High Street is one of these streets, situated between the site of the former castle to the south and the market place to the north.

1.1 Applicant response 18/10/20: no comment.

1.2 Number 3 High Street is a brick built house of circa 1700 origins which is Grade II listed. On its eastern side there is an adjoining barn which is of slightly later origins and listed at Grade II in its own

right. The barn is constructed of brick upon a coursed rubble plinth with elements of timber framing. Both buildings front onto the C1093 High Street to the north whilst the unregistered Garnstone Park lies to the rear. The site of Weobley Castle, a designated Scheduled Ancient Monument, lies a short distance away to the south. Both buildings are within the Weobley Conservation Area.

1.2 Applicant response 18/10/20: no comment

1.3 Planning Permission and Listed Building Consent was granted in 2019 for a scheme of works relating to both Number 3 and the adjoining barn (Full details of these applications can be found at Section 3.1 of this report). The works included a scheme of alterations to the existing dwelling at Number 3 in order to support its refurbishment as a family home. In relation to the barn, the scheme provided for this to be converted into habitable space so that it could be used as extended residential accommodation to the adjoining dwelling at Number 3.

1.3 Applicant response 18/10/20: no comment

1.4 A number of changes to the fabric and external appearance of the barn were approved in order to facilitate its change of use to residential purposes. This included the replacement of the corrugated roof with slate and the provision of four new roof lights in order to support the conversion of its first floor to a 'function space' / living area. The approved elevation plans are shown in Figure 1 and show the majority of the roof lights to be provided on the barn's southern (rear) elevation. On the principal northern elevation, which fronts onto the High Street in a prominent location within the village centre, a single roof light was permitted.

1.4 Applicant response 18/10.2020: Note that the use of the term "Function Space" was coined by the Applicant's architect in order to distinguish the room from the Living Room within the main house. The term does not imply that the room will be used occasionally or sporadically, or that it is in any way subordinate to any of the other principal habitable spaces. The intention of the Applicants is for the upper floor of the barn to become the principal living area of the property and the anticipation is that this room will be the most frequently used of all of the rooms. The obvious level of investment in this large internal space, as a proportion of the overall spend on the development, should provide indication to the Officers of the Applicant's intention that the space will be subject to more than occasional use. Furthermore, the Applicant discussed the intended use of the room as the principal living area with the Conservation Officer during her recent site visit.

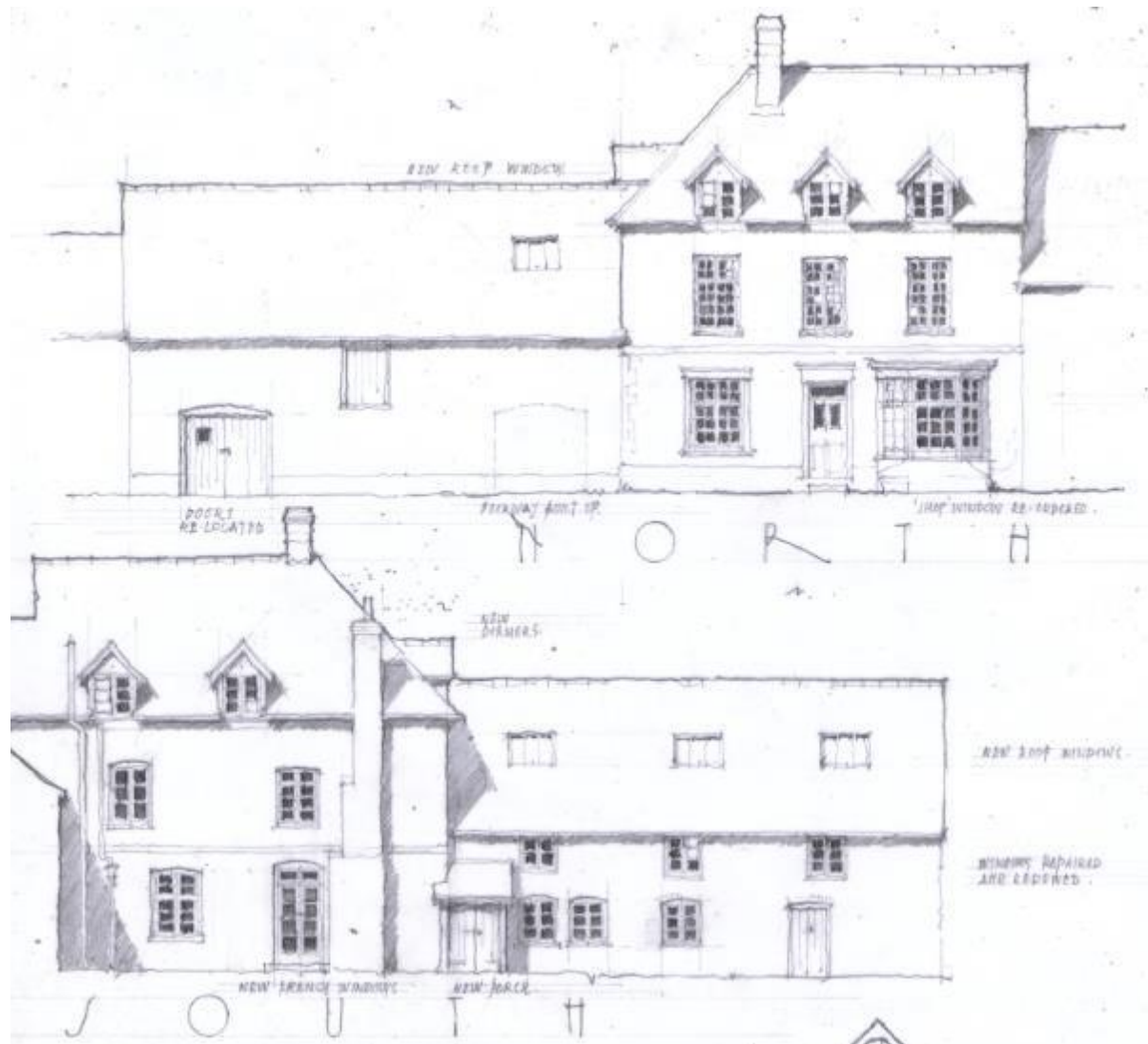


Figure 1: North and South Elevation Plans approved pursuant to P184664/F and P184665/L

1.5 The current applications have been made retrospectively and seek to regularise the provision of two additional roof lights which have been installed on the northern elevation without the benefit of the necessary consents. An application for Listed Building Consent has been submitted under reference 201645/L, whilst an application to vary the approved planning permission utilising the provisions of Section 73 of the Town and Country Planning Act (1990) has been submitted under reference 202284/F. The proposed alternative plans are shown at Figure 2, with the additional roof lights identified by the red circles.

1.5 Applicant response 18/10/20: no comment

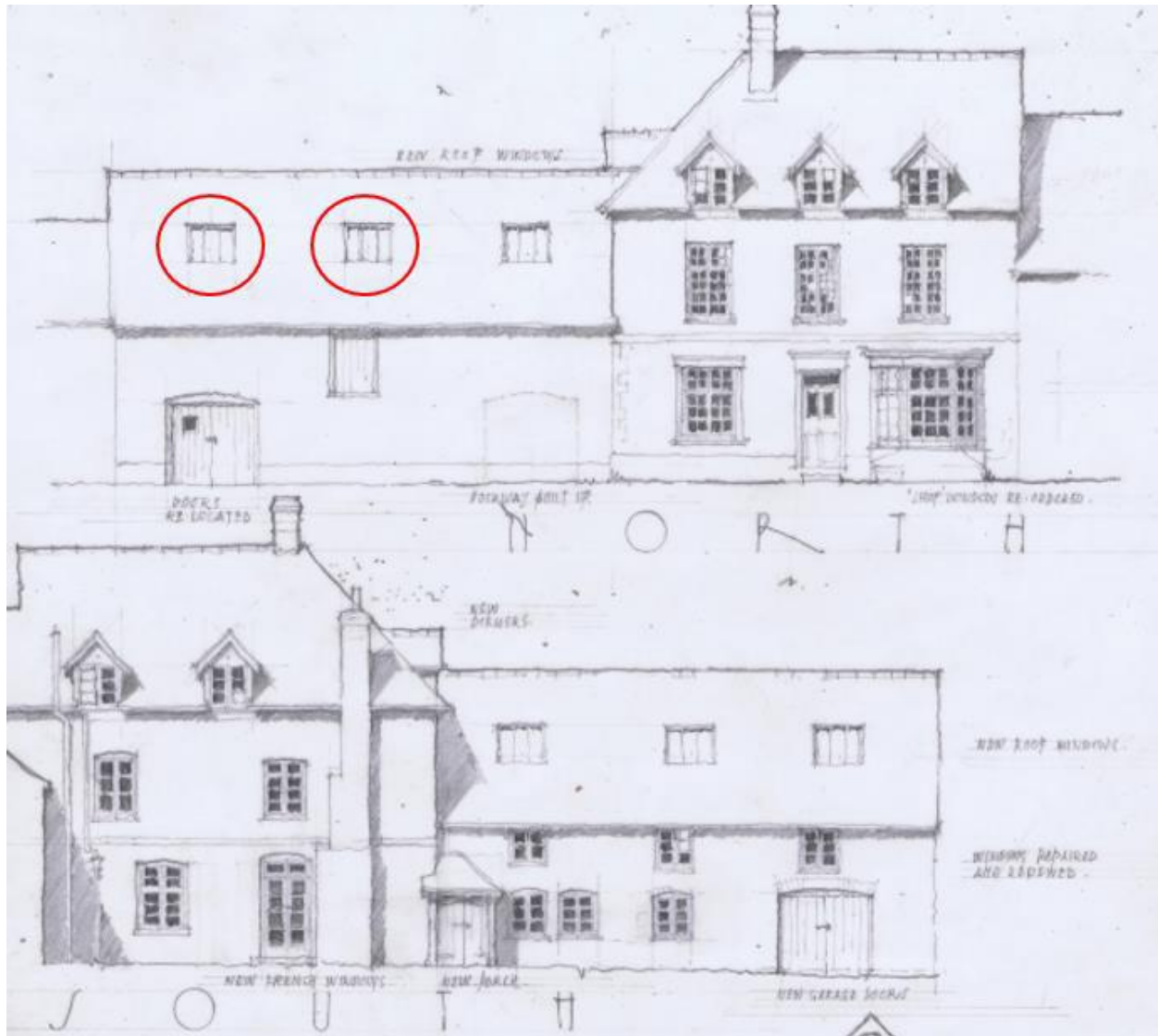


Figure 2: North and South Elevation Plans as currently proposed

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (2015)

The following policies are considered to be of relevance to this application:

SS1 - Presumption in Favour of Sustainable Development

SS6 - Environmental Quality and Local Distinctiveness

RA5 - Re-use of Rural Buildings

LD1 - Landscape and Townscape

LD2 - Biodiversity and Geodiversity

LD4 - Historic Environment and Heritage Assets

SD1 - Sustainable Design and Energy Efficiency

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2. Applicant response 18/10/20: no comment

2.2 Weobley Neighbourhood Development Plan (made 11th October 2019)

The following policies are considered to be of relevance to this application:

- ☐ WE01 – Promoting sustainable development
- ☐ WE07 – Protecting heritage assets
- ☐ WE08 – Development within Weobley conservation area
- ☐ WE09 – Conserving the landscapes and scenic beauty of the parish
- ☐ WE010 – Enhancement of the natural environment
- ☐ WE012 – Sustainable design
- ☐ WE015 – Housing development in Weobley village
- ☐ WE020 – Weobley village centre

The Weobley Neighbourhood Development Plan policies and relevant supporting documents can be viewed on the Council's website through the following link;

https://www.herefordshire.gov.uk/directory_record/3116/weobley_neighbourhood_development_plan

2.2 Applicant response 18/10/20: no comment

2.3 National Planning Policy Framework (NPPF)

☐ Chapter 1. Introduction

☐ Chapter 2. Achieving sustainable development

☐ Chapter 4. Decision-making

☐ Chapter 12. Achieving well-designed places

☐ Chapter 15. Conserving and enhancing the natural environment

☐ Chapter 16. Conserving and enhancing the historic environment

The National Planning Policy Framework can be viewed through the following link;

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.3 Applicant response 18/10/20: no comment

3. Planning History

3.1 The following applications for planning permission and listed building consent are considered to be relevant to the current proposal;

☐ P184664/F (Planning Permission) - Proposed alterations to the dwelling house, conversion of loft, and change of use of adjoining barn to provide additional living accommodation – Approved with Conditions 2nd April 2019

☐ P184665/L (Listed Building Consent) - Alterations to the dwelling house, conversion of loft, and change of use of adjoining barn to provide additional living accommodation - Approved with Conditions 2nd April 2019

☐ P201580/AM (Application for Non-Material Amendment) - Non Material Amendment to permission ref 184664 - Provision of 2 no. additional roof windows on North Elevation – Refused 7th July 2020.

3. Applicant response 18/10/20: no comment

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Historic England - No bespoke comments

Thank you for your letter of 19 June 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

4.1.1 Applicant response 18/10/20: no comment

4.2 Internal Council Consultations

4.2.1 Conservation Manager (Historic Buildings) – Objection

Initial Comments 21st July 2020

The applicants were already advised in pre-planning application P181738/CE that the proposal to insert three rooflights into the north, high street facing elevation of the barn would be too great an impact on a principle elevation. Excessive new openings in barn conversions are actively discouraged, particularly on street-facing elevations and pitches. They create a visual impact and alter the essential character of the building. The scheme here was already viable as a conversion without these additional rooflights, so the harm caused cannot be justified.

4.2.1 Applicant response 18/10/20: The applicants did not engage in further discussions on the additional rooflights with the Conservation Officer at time of pre-application.

It should be noted that the Applicants were also advised during this pre-planning application that moving the garage door from the Western bay to the Eastern bay would also constitute a harmful alteration and that permission for this this should be refused. This was contested by the Applicants and permission was eventually granted for the alteration. The points raised during the ensuing discussions between the Applicants and Huw Shannon (past HCC Historic Buildings Conservation Officer), revealed further information about the character and significance of the barn and are relevant to the current application for additional rooflights.

Dr. Sarah Lewis of Historic England was consulted with regards to relocating the barn doors and as a result of the consultation, Huw Shannon provided the following response to the Applicants, as recorded in the Delegated Decision Report relating to Application Number 184665. The points raised by Sarah Lewis provide information on the listed status of the barn, what elements of its origins and development are of significance and contribute to it's character:

"Further Comments (Huw Shannon)

*I have been in touch with Sarah Lewis at Historic England and she has clarified her statement on the barn openings. Her view is as she said – she is relaxed on the changes here. **In clarification she has confirmed that she assigns more significance to the later garage character of the barn than I do, and has also pointed out that the barn's grade II listing is marked 'GV' for Group Value, an indication that in some respects less weight could be given to its individual distinguishing characteristics than to a building listed solely for its own merits.***

My opinion is different – I do think that the earlier agricultural element of the building's character is more important and should be enhanced if possible and that the new entrance will harm this character (in addition to the loss of fabric in its original location). The new garage door will reduce the visibility of the currently obviously blocked central opening. Removing the context of the early brick to the east will make the central opening much harder to pick out in an elevation whose character has become more complex through another phase of alteration. I

*can't agree that the scheme to the garage would meet SPAB principles – respect for original fabric and the requirement for essential work only would prevent these changes on their terms. Although I am sympathetic to the SPAB approach to conservation, a common criticism of it is that it can apply too great a significance to more modern accretions to the detriment of more interesting and less understood earlier phases of buildings. In this case, any alteration you propose is harmful to some stage of the building's history, and so I feel it is logical (if harm cannot be altogether avoided) to direct this harm to the later, less significant elements and so reveal and enhance the more significant elements. **This is a digression, but illustrates how various philosophies on how best to treat old buildings, as well as personal interpretations can differ. So, having highlighted that and the difficulty of establishing exactly what, and to what degree, is important about this barn, I feel it would be unfair to object to a new use on my opinion where another suitably qualified opinion differs.***

*Both Sarah and I have looked at the scheme as a whole, and although there are a number of changes each with a small degree of harm to the listed buildings, we agree that the benefit of the scheme overall (aside from the barn) justifies the cumulative harm of the changes. Good design as required in the NPPF can never outweigh the need to protect the character of a listed building, but **where listed buildings are altered, the quality and function of the design can be part of the justification for the harm.** The thorough documentation of the building supplied in the heritage statement has been very useful in assessing its significance, and is now public record of the building's history and this further mitigates the proposed harm to character of the buildings.*

So in summary, although there is a difference of opinion between myself and Historic England, I could support the proposal as submitted due to the viability of the scheme as a whole and the difficulty in assigning significance to the different elements of the barn."

The applicants would like to draw the Committee members attention to the points raised by Dr Lewis and Huw Shannon in the above extract that also bear relevance to the rooflights:

- The barn's listing is "Group Value", therefore less weight could be given to its individual distinguishing characteristics than to a building listed solely for its own merits.
- The barn has undergone a number of changes in form which includes replacement of timber framed external walls with brick, new entrances, new domestic window openings, all of which changes were driven by its changing use during its history. It is accepted (see comments above) by Historic England and Herefordshire County Council that these more modern accretions are what form the basis of the "character" of the building and that equal weight should be given to the later history of the building as to its original agricultural origins. The inclusion of rooflights in the quantum required to achieve sufficient natural light for a primary living space is therefore a valid change and the alteration to the principal elevation reflects this change of use without obscuring historic form and origin.
- Huw Shannon makes the point that his and Historic England's opinion as to what and to what degree is important about the barn differ, but that he deferred to Dr. Lewis' opinion.

- Where listed buildings are altered, the quality and function of the design can be part of the justification for the harm

Further Comments 1st September 2020

No. 3 High Street is an early C18 house with later alterations. It was listed as a grade II heritage asset in September 1966 (list entry number 1301306). The attached barn, of a similar date, was individually listed at the same time (list entry number 1081905). Constructed of painted brick on a coursed rubble plinth, the central bay was once open, indicating its function as a threshing barn. This central bay was later infilled presumably coinciding with a change in use. It is believed at different points in history the barn has served as a storage facility, a garage and possible at one point, domestic accommodation on the upper levels. Despite these changes of use, the barn has retained its agricultural character and appearance, particularly on the north, street-facing elevation which had remained relatively unchanged since the central threshing bay was infilled. Permission was obtained in 2018 to replace the existing roof with natural slate and move the existing garage door from the western bay to the eastern. At the time of writing, these changes had been carried out.

4.2.1 Further Comments 1st September 2020, Applicant response 18/10/20: The description above is brief and not fully accurate: the house is noted as being early C17. The evidence for domestic use of the lower floor of the barn (kitchen and bathroom), and the replacement of the timber framed south wall with brick which include the domestic window openings is documented in the Historic Buildings report (Author, Duncan James), commissioned by the Applicants and submitted as part of Application 184665.

The barn has indeed retained its agricultural character, but it is important to note that the later changes to the building are accepted by Historic England and Herefordshire County Council Planning Department (see Huw Shannon's comments in 4.2.1 Applicant's response above, reference Delegated Report, Planning Application 184665) as having equal significance to the character of the building as its agricultural origins. Note also the "Group Value" listing status.

Weobley was a C11 village which gained prosperity during the later medieval period due to the burgeoning wool trade and other commercial industry. This prosperity is reflected in the large number of surviving timber-framed buildings which date to this period. Weobley was designated as a conservation area in 1977. It is mainly characterised by its historic core and the surrounding countryside.

Policy:

Below are relevant paragraphs from the National Planning Policy Framework (NPPF) outlining the approach taken to understanding and assessing harm in heritage assets:

- 190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal;

Significance here is the agricultural character and appearance of the barn, reflecting past agricultural practices and the evolution of Weobley

4.2.1 Policy 190, Applicant response 18/10/20: This statement is misleading, in that it disregards the significance of the later alterations to the barn, referred to in the comments made by Huw Shannon in the assessment of Application 184665, referenced above in 4.2.1. Specifically:

- “The barn’s Grade II listing is marked “GV” for Group Value, indicating that in some respects less weight could be given to its individual distinguishing characteristics than to a building listed solely for its own merits”

The Applicants note that the listing “GV” reflects the evolution of the building from its agricultural origins, through use as a warehouse, workshop, domestic kitchen and bathroom and garage and it is important to note that Historic England and Herefordshire County Council accepted that these more recent changes are of equal significance to the character of the building.

The Applicants are concerned that the Officers appear currently to have discounted this important factor.

- 192. In determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

The council supports and adaptive reuse of the barn as part of a dwelling.

4.2.1 Policy 192, c), Applicant response 18/10/20: having accepted and supported the adaptive use of the barn as part of a dwelling, it therefore seems unreasonable for Herefordshire County Council Planning Department not to permit the provision of adequate natural light.

- 193. 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

In this case the harm constitutes as less than substantial harm.

4.2.1 Policy 193, Applicant response 18/10/20: again, the applicant wishes to draw the Committee’s attention to the “Group Value” listed status of the barn. The two additional rooflights do not in any way obscure the origins of the barn, or its subsequent phases of development reflected in its changes in form and layout. The significance of the barn is therefore unharmed by the addition of two rooflights, where a single rooflight was already permitted on that elevation.

- 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In this instance the additional of two roof lights to the northern roof pitch cannot be justified as the level of natural light achieved through the existing windows on the south elevation, and the provision of four new rooflights granted in 2018 is deemed sufficient.

4.2.1 Policy 194, Applicant response 18/10/20: The Applicant would suggest that the Officer's comment that the level of natural light achieved through the existing windows being sufficient is highly subjective and without qualification. The concern by the Applicants is that by omitting the two rooflights, routine use of artificial lighting during daytime use of the space will be required.

Light levels during overcast days have routinely required the use of artificial lighting during the current construction phase of the development. It should be further noted that the insertion of the proposed gallery floor will restrict the light from the single permitted rooflight from reaching other parts of the room, so that the inclusion of the two additional rooflights becomes more critical to deliver even natural light to the space.

- 196. 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;

Similar as above, an optimum viable use for the barn as an extension of a residential dwelling was secured through the original permission. The additional roof lights have caused additional harm and do not deliver any new benefits over the previously approved scheme to justify this.

4.2.1 Policy 196, Applicant response 18/10/20: The comment above is contradictory: the word "optimum" conveys a level or state of something that is the best level achievable. Restricting the number of rooflights does not deliver optimal viable use. In this context optimal would be to allow the maximum level of natural light possible. The new public benefits delivered by optimizing the levels of natural light would be the reduction in energy consumption caused by the use of artificial lighting during daylight use of the room. This represents sustainable design and energy efficient design.

COMMENTS:

Understanding the significant character and assessing harm:

While assessing the significance of a heritage asset can be subjective, the character is determined by more objective measures including surviving historic fabric, existing features, built form, design, and materials. Traditional agricultural barns are characterised by single volume space, the use of local materials, high solid to void ratio, and random, asymmetric openings and fenestration. The barn at no. 3 High Street is a good surviving example, containing many of these essential characteristics listed, especially when viewed from the principle, north elevation. The south elevation has undergone significant alterations in the past, including the insertion of first floor windows resulting in the partial

loss of agricultural character and appearance in this section. For this reason, retaining the agricultural character of the north elevation is essential.

4.2.1 Comments, paragraph 2, Applicant response 18/10/20: The Applicants would again like to raise concerns that the Officers appear to have entirely disregarded the points raised by Historic England and Huw Shannon on the Group Value listed status and the significance of the later phases of development of the barn and are concentrating solely on the original form of the barn. This is contrary to the acceptance by Herefordshire County Council of Dr Lewis' assignment of equal significance of the later developments of the barn.

There are a great many examples of traditional agricultural barns which have symmetrical openings and fenestration. The use of regular symmetric openings and fenestration optimize the flow of air to the barn interior. The Barn at Number 3 originally had a symmetrical layout of openings, whereas the asymmetry referred to is due to later non-agricultural alterations. Note also that the barn at No. 3 is no longer a single volume space, having had a first floor inserted at the time of the closure of the full height central entrance.

It should be noted that the brick south facing wall referred to is an entirely non-original feature and the windows to the ground and first floor were not inserted at a later date, rather, they were part of the wall's construction. Evidence for the fact that this wall was originally timber framed and has been rebuilt in brick has been supplied to HCC in the form of the Historic Buildings report written by Duncan James. The specific evidence of this (remnant posts to the roof trusses, mortice holes) was also shown to the Conservation Officer at the time of her recent site visit.

The Applicants are concerned that the Officers have disregarded pertinent information or have not fully examined either the building or referred to the supplied Historic Report, Design and Access and Heritage Statements when making their assessment.

Roof lights are considered uncharacteristic of most historic buildings, but particularly agricultural buildings. An uncharacteristic feature describes something anachronistic and out of place, a feature which typically would not have existed during the period the structure was built. As the technology which allows rooflights is relatively recent, they are generally considered uncharacteristic in most historic properties. This is especially true for agricultural buildings where the need for natural light was limited. Further, the accommodation of three rooflights rather than one contributes to a planned and symmetrical character of the openings. As stated above, an important character of agricultural buildings is random, asymmetric fenestration which came about because openings were created on an ad hoc basis when needed and not for aesthetic reasons. For these reasons, new rooflights in this context are considered less than substantial harm.

4.2.1 Comments, paragraph 3, Applicant response 18/10/20: a kitchen (for example) is an uncharacteristic feature within an agricultural barn, nevertheless HCC have permitted the change of use of the barn.

On the subject specifically of rooflights, these are indeed a relatively modern feature, however, their use should be regarded as a positive factor when considering the repair and repurposing of ancient buildings. They allow the full optimal use of spaces that may otherwise be undesirable for redevelopment where for example creating new openings in a wall would result in an unacceptable loss of historic fabric and character and therefore be refused permission.

An important factor for local authorities consider is the willingness of private individuals to take on ancient buildings and repair them at their own cost, often (as in this case) at a financial loss. The preservation of our stock of ancient buildings falls to the private individual, rather than the local authority, in all but the most extreme cases of disrepair. In the absence of any available grants the willingness of private individuals to consider an ancient building as a viable proposition for creating a home is often negatively influenced by the perception that certain desirable alterations and additions are predetermined by the Local Authority as being harmful, without justification and therefore will be automatically refused.

The need to convert agricultural buildings is recognised and facilitating natural light is an essential part of that conversion. That is why four roof lights were permitted in the consent granted in 2018. Three were allowed to the rear/south pitch due to the loss of character sustained when the first floor windows were installed. A further rooflight was allow to the north pitch in keeping with the character of random fenestration.

4.2.1 Comments, paragraph 4, Applicant response 18/10/20: Note the comments above. The requirements for adequate natural lighting in new buildings and historic building conversions will only become more rigorous with time. The levels of natural light afforded by four rooflights is currently insufficient to adequately light the space (as evidenced by the current requirement for artificial lighting during the ongoing construction works).

The first floor and ground floor windows were built at the same time as the non-original brick wall. The wall itself, as part of the building's development, contributes to the building's character.

The Applicants again raise their concerns that the Officers have either disregarded these facts or have not fully understood the supplied Heritage Statement, Design and Access Statement and Historic Buildings Report building when making this assessment.

CONCLUSION:

The four rooflights granted in 2018 and the existing first floor windows are considered sufficient in terms of the level of natural light achievable for its viable use and conversion. Any additional rooflights would result in unjustifiable harm.

4.2.1 Comments, Conclusion, Applicant response 18/10/20: The term "sufficient" is used without qualification. The permitted number of rooflights currently require the routine use of artificial lighting during construction works and will continue to do so during daytime domestic use of the room,

therefore the requirement for additional rooflights is justified on the grounds of energy efficiency and sustainable design.

4.2.2 Conservation Manager (Ecology) – No Objections

Having reviewed the requested update information (Brindle and Green letter dated 25th August 2020) from the ecologist responsible for managing the protected species at this site and ‘holding’ the relevant European Protected Species Licence issued by Natural England, I am satisfied that there are no parts of the proposed variation of plans/designs that will impact protected species and the LPA Ecology has no further comments and no objection to the proposed plans being approved.

On a separate matter to Protected Species considerations above - the development lies within the River Lugg SAC catchment and this variation is subject to a required updated HRA screening assessment in respect of this designated nature conservation site.

Based on supplied information there are no aspects of the proposed variations that would create any changes such as to trigger the more detailed appropriate assessment process. This specific variation proposal can be considered as screened out from any further HRA process and there are NO adverse effects on the integrity of the River Lugg (Wye) Special Area of Conservation identified. Conservation of Habitats and Species Regulations 2017, Part 6, section 63(5)

4.2.2 Applicant response 18/10/20: no comment.

4.2.3 Conservation Manager (Landscape) – No Objections

4.2.3 Applicant response 18/10/20: no comment.

4.2.4 Transportation Manager – No Objections

4.2.4 Applicant response 18/10/20: no comment.

5. Representations

5.1 Weobley Parish Council - Support

Weobley Parish Council wishes to support this application and would support approval as it does not have a visual impact on the dwelling.

5.2 No letters of representation have been received in respect of the two applications. However, the Applicant has supplied a petition in support of the scheme. The petition has 95 signatories who have signed in support of the following statement provided by the Applicant;

<p>We, the undersigned, wish to offer our support for granting Listed Building Consent application P201645/L and Planning Application 2022840 ('the scheme') and request that the applications and this petition be referred to Planning Committee. We have visited the site and examined the additional rooflights in-situ. We have also examined the application drawings 1541.5B and 1541.5C.</p>
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We are aware of the concerns of HCC Planning Department that the proposal to add two additional rooflights to the street facing roof of the barn attached to No. 3 High Street would cause harm to the character of the listed building and the conservation area. We wish to therefore make the following representations to HCC in support of the scheme;

Impact of the scheme on the character of the building and conservation area;

1. The additional rooflights are viewed from the High Street are visually unobtrusive
2. Three rooflights are not excessive in terms of their number, size and arrangement over the roof
3. The number of roof windows positively reflects and enhances the form and construction of the barn, whilst blending well with the roof covering of natural slates and the varied skyline of High Street
4. The high quality of the design, materials and workmanship of the scheme provide enhancement to and contribute to the character of the building and the Conservation Area
5. The scheme therefore meets the requirements of the Weobley Neighbourhood Development Plan WE07 (Protecting Heritage Assets: c) to preserve and enhance the character and appearance of Weobley Conservation Area)

Environmental justification for the additional roof windows

6. Restriction of the scheme to the single rooflight on the street facing roof would provide insufficient natural light to the building such that the use of artificial lighting would be required during daytime use of the building
7. Two additional rooflights will remove the requirement for artificial lighting during daytime use of the building and therefore represents long term sustainable design and development as required in the Neighbourhood Plan WE01 (promoting sustainable development) and WE012 (Sustainable Design in order to reduce carbon footprint)
8. The scheme therefore brings a public benefit in terms of reduction in carbon footprint, the return of the building to a viable residential use and this provides justification for the scheme as required by the National Planning Policy Framework, Paragraph 196 (that the benefits of the scheme be weighed against the 'harm' identified by HCC).
9. Having accepted the change of use of the barn to residential use, it seems unreasonable for HCC Planning Department not to permit the provision of adequate natural light.

5.2 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201645&search-term=201645

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202284&search-term=3%20high%20street%20weobley

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 It is highlighted to Members of the Committee that the proposed works require consent under different regimes and therefore there are two applications which need to be considered. The first is for Listed Building Consent in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the second is for Planning Permission in accordance with the provisions of the Town and Country Planning Act (1990). The two applications will be considered in turn.

6.1 Applicant response 02/11/20: no comment

6.2 Members are also advised that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has yet to be made and is due early November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application – primarily concerned with the protection of heritage assets have been reviewed and are entirely consistent with the policies and objectives set out with the NPPF. As such, they can be afforded significant weight.

6.2 Applicant response 02/11/20: no comment

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6.3 The main issue to consider in determining the application for Listed Building Consent is the impact of the works upon the building's significance and any features of special architectural or historic interest it possesses.

6.3 Applicant response 18/10/20: note the "Group Value" listed status of the barn.

6.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that in considering whether to grant listed building consent for works which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.4 Applicant response 18/10/20: no comment.

6.5 As well as the duties imposed by Section 16, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 directs that any determination made under the Planning Acts must be carried out in accordance with the development plan, unless material considerations indicate otherwise. In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Weobley Neighbourhood Development Plan (Weobley NDP). The National Planning Policy Framework ('the Framework') is also a significant material consideration.

6.5 Applicant response 18/10/20: no comment.

6.6 In assessing applications for works to heritage assets, the advice set out at Paragraph 193 of the Framework is relevant. This reinforces that great weight should be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 194 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 195, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 goes on to state that 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.

6.6 Applicant response 18/10/20: note that the test given in Paragraph 196 of NPPF weighs the harm caused by the development proposal against the public benefit (provided by the sustainable and energy efficient design) and also refers to "optimum" viable use, which would indicate in this case that the maximum amount of natural light should be permitted.

6.7 Policy SS6 of the Core Strategy states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. In this regard policy LD4 of the CS is also of relevance, which requires amongst other things to ensure that new developments 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible'. Policy SD1 also requires that development proposals take into account the local context and site characteristics. Moreover, new development should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials whilst making a positive contribution to the architectural diversity and character of the area. Policy RA5 is also of relevance in so far as it establishes a number of principles applicable to proposals involving the reuse of rural buildings, as is the case here. Under point 1), the policy requires that design proposals should respect the character and significance of the building. The supporting text to the policy provides guidance that this should be achieved by keeping new openings to a minimum; respecting internal features; and avoiding the introduction of non-traditional features. LD1 requires that schemes are positively influenced by the character of the townscape – particularly within designated areas such as Conservation Areas.

6.7 Applicant response 18/10/20: it should be noted that the Applicants have not sought to add further new openings into the street facing wall. The use of Conservation rooflights, which are only partly visible at street level and from certain angles was considered to be the least obtrusive means of introducing natural light to the building. The quantum of roof lights proposed was considered to be the minimum required to achieve an acceptable level of natural light. The rooflights are set into modern rafters (the original being absent) so there is no loss of historic fabric.

6.8 The Weobley NDP recognises the rich heritage of the village and contains a number of heritage orientated policies which are relevant to the current application. Policy WEO1 sets out general principles which apply to the pursuit of sustainable development and this includes that proposals should conserve and enhance the environment within the Parish, particularly its heritage assets and Weobley Conservation Area. Policy WEO7 sets out more detailed requirements for the protection of heritage assets, which includes resisting development which adversely affects the features and settings of listed buildings. It also states that proposals will be supported where they preserve and enhance the character and appearance of the Weobley Conservation Area.

6.8 Applicant response 18/10/20: no comment.

6.9 As noted above, Listed Building Consent has recently been granted (P184665/L) for a scheme of works to facilitate the conversion of the barn to residential use. This application was approved in April 2019 as it was considered that the scheme of works represented the best option to deliver a viable new use for the barn whilst minimising the level of intervention and harm caused to the listed building. In terms of the treatment of the northern street-facing roof of the barn, a single roof light was approved at the western end close to where the roof meets the adjoining dwelling. This arrangement preserved the majority of the unbroken roof plane to the north side of the barn which is an important element of its agricultural character; whilst in combination with three roof lights approved to the less prominent rear elevation ensured that sufficient natural light could reach the internal spaces of the barn to facilitate a viable conversion.

6.9 Applicant response 18/10/20: note again that Paragraph 196 of NPPF refers to “optimum” viability (of the proposed development), not simply “viable”.

6.10 It should also be noted that the Applicant sought pre-application advice prior to making application P184665/L. As part of the initial enquiry, a scheme was supplied to the Council for comment which included the provision of three roof lights to the northern roof of the barn (in the manner as have now been installed). The Council’s Conservation Manager (Historic Buildings) was however not supportive of this arrangement and offered the following advice;

‘.... the proposal to insert three rooflights into the north, high street facing elevation of the barn is too great an impact here, one flush fitting conservation rooflight could be allowed.’

6.10 Applicant response 18/10/20: note that the Applicants did not at the time pursue the matter further with the Conservation Officer, as they did with the relocation of the barn garage doors, which

was similarly not supported by the Officer, but later permitted in light of evidence provided by Historic England on the significance of the building.

6.11 In response to this advice, two roof lights were omitted from the scheme and the single roof light arrangement described above was approved under P184665/L. The two additional roof lights have nonetheless now been installed unlawfully and without the benefit of the necessary consents.

6.11 Applicant response 18/10/20: no comment.

6.12 The first issue for the decision maker to consider therefore is whether the provision of the additional roof lights would have an impact upon the significance of the heritage asset over and above the scheme already approved under P184665/L. The barn in this case has significance as a well preserved example of a traditional barn in the centre of one of the county's historic market towns. It has historical value in that the structure is reflective of past agricultural practices and that it allows for an understanding of how people of the period lived. The vernacular character and appearance of the barn forms part of this historic value in that it is reflective of the building's original function; whilst also having a degree of aesthetic value for the contribution it makes to the historic character of the settlement. The Council's Conservation Manager (Historic Buildings) has provided a detailed assessment of the building's significance, which can be found at Section 4.2.1 of this report.

6.12 Applicant response 18/10/20: The Applicants are concerned that the Officers have not fully understood the significance, history and development of the barn when making their assessment.

The barn is certainly not well-preserved in original form, having undergone a number of changes of use and form during its history. These changes include replacement of timber framed south wall with brick including domestic windows, insertion of a first floor for use as warehouse storage, closing of the full height central opening and insertion of the smaller stable/garage doors, replacement of the stone tiled roof with profiled steel sheeting, with subsequent loss of common rafters, to name but a few.

All of these changes contribute to the character of the building and reflect not just the original agricultural use of the building (which may have been relatively short as a proportion of the buildings existence), but the changing use and requirements of the local people. Historic England's Dr Sarah Lewis recognized the importance of the historic changes to the building and assigned equal significance to these as to the agricultural origins of the building, noting the "Group Value" listed status.

6.13 As above, the additional roof lights have already been installed to the northern elevation of the barn. A photograph of the roof lights in situ, taken from the opposite side of the High Street, is shown at Figure 3 below:



Figure 3: Roof lights in situ when viewed from northern side of High Street

6.13 Applicant response 18/10/20: the Applicants have supplied photographs taken from a number of vantage points along High Street. The rooflights are not visible from the westbound carriageway and pavement of High Street, and are only partially visible from an oblique angle along the Eastbound carriageway and pavement of High Street.

6.14 Traditional agricultural buildings are typically characterised by a simple rectilinear form and a high ratio of solid walls to external openings. Where openings do exist, they are reflective of a functional requirement rather than an aesthetic design choice - meaning they are not typically distributed with an outwards appearance of symmetry or uniformity. With regards to the roof in particular, numerous openings are not typical of historic agricultural buildings as they served limited functional purpose for the practices of the period. Consequently, a typical feature of historic barns and an important part of their character are long and uninterrupted roof planes with an absence of external openings. This feature was readily observable in the subject barn prior to the works being undertaken, as depicted in Figure 4 below;



Figure 4: Subject barn prior to conversion showing an absence of openings to the roof slope

6.14 Applicant response 18/10/20 and 02/11/20: The description of what characterizes agricultural barns above is a generalization and inaccurate where the barn at No. 3 High Street is concerned.

The rooflights are proposed due to a functional requirement for optimum natural light, rather than as an aesthetic design choice. The proposal for additional rooflights therefore is equally valid as the many changes that were made to the barn historically out of a need for functional change. As previously stated, there are many examples of traditional agricultural barns with uniformly distributed openings and fenestration, which served the purpose of optimal and uniform air flow, rather than appearance.

6.15 The additional roof lights are considered to be uncharacteristic features which are not reflective of the barn's agricultural vernacular. Their installation has led to further disruption of the unbroken roof slope to its prominent northern elevation and their uniformity is not in keeping with the sporadic distribution of openings which typify traditional agricultural buildings of this nature. As a result, the works have demonstrably eroded the agricultural character of the building – which is a key part of its significance – in favour of an appearance which is much more domestic in nature. The Council's Conservation Manager (Historic Buildings) has undertaken a detailed appraisal of the scheme and the specialist advice received confirms that the additional roof lights lead to harm to the character of the building and the significance of the heritage asset. This is consistent with the advice offered at pre-app stage, where it was explicitly advised that they would have too great an impact to be supported. Now they have been installed and can be observed in situ, the Conservation Manager categorises the harm as being 'less than substantial' in accordance with the principles of the Framework.

6.15 Applicant response 18/10/20: The Officer's point is weakened by the fact that a single rooflight was already permitted, therefore the roof slope is not "unbroken". It would seem therefore that the addition of two additional rooflights is a relatively small change and does not further harm the character of the building.

The comment on uniformity of distribution is also without qualification.

The rooflights do not erode the agricultural or later development character of the building, as they do not obscure the form of the building. The rooflights are an "honest" solution to a valid requirement for optimal light and demonstrate that historic buildings can be brought into optimal use for dwelling places.

6.16 With clear harm having been identified in this case, the advice set out at Paragraph 194 of the Framework applies. This states that any harm to the significance of designated heritage assets should require clear and convincing justification. Moreover, Paragraph 196 directs that where 'less than substantial harm' is found, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.16 Applicant response 18/10/20: The Applicants have demonstrated that the scheme has public benefit and represents optimal viable use.

6.17 The assessment of public benefit in this case must be made in the context that a scheme for the conversion of the barn has already been approved under listed building consent P184665/L. This earlier scheme delivered public benefit in that it secured a viable alternative residential use for a disused heritage asset which, in turn, secures its long term preservation. Given that a viable use for the barn has therefore already been secured by the earlier consent, Officers do not consider that this is a benefit which can be assigned to the current proposal. It must consequently be considered what public benefit is achieved over the previous scheme which justifies the additional harm that has been caused by the installation of the two roof lights.

6.17 Applicant response 18/10/20: The Applicants are seeking to achieve *optimal* viable use as required in Paragraph 196 of NPPF, rather than just viable use as suggested here by the Officers. The public benefits of optimal use have been stated as energy efficient and sustainable design in reducing the requirement for daytime artificial lighting.

The additional rooflights therefore deliver additional public benefits in addition to securing the long-term preservation of a heritage asset.

6.18 In the view of Officers, the additional roof lights do not deliver any public benefits above the previously approved scheme which serve to justify the harm that has been caused. The earlier conversion scheme was perfectly viable and secured a viable new use for the barn without causing an unacceptable level of harm to its character and significance. It is noted that the Applicant contends the roof lights deliver benefit by providing natural light to the internal spaces of the barn which will reduce demands for artificial lighting; however Officers consider this contention to be largely without merit. The

first floor of the barn is formed of one single space (with a gallery floor at the western end) and adequate natural light was already provided by the four roof lights and floor level windows permitted in the previous scheme. It is also pertinent that the vast majority of the windows and roof lights on the permitted scheme face due south; thereby maximising gains from natural sunlight. In the opinion of Officer's therefore, the space is already adequately served by fenestration and little weight can be given to any claim that omission of the two additional lights would lead to unacceptable living standards for occupants. Likewise, the argument that the two additional roof lights would deliver benefits by reducing energy demand through artificial lighting is also considered to be of limited merit. Any savings in this regard would be negligible and not sufficient to outweigh the harm which has been caused to the heritage asset. Overall therefore, it is not considered that any public benefit is delivered by the proposal to justify the harm it has caused.

6.18 Applicant response 18/10/20 and 02/11/20: as above, the public benefits of optimal use have been stated as energy efficient and sustainable design in reducing the requirement for daytime artificial lighting.

Note also that Paragraph 196 of the NPPF refers to "optimum viability", rather than "perfectly viable" as given here by the Officers and which is without definition in the NPPF.

The Officers comment that the barn floor is formed of one single space is incorrect: the gallery floor breaks up one third of the entire space and will block the transmission of light from both rooflights in the Western bay from reaching first floor level.

Furthermore, the three floor level windows to the south facing barn wall are pre-existing windows, rather than part of the development and are directly shaded by trees in the garden and by the overhang of the barn eaves, so these provide no direct light and little ambient light to the space.

The requirement for the two additional rooflights to provide ambient lighting to the space beneath the gallery and direct natural light to the north side of the central and eastern bays is therefore paramount.

As also stated in 1.4 Applicants Response: The contention above by the Officers that the room is not part of the principal habitable space of the dwelling is without qualification and is misleading.

Note that the use of the term "Function Space" was coined by the Applicant's architect in order to distinguish the room from the Living Room within the main house. The term does not imply that the room will be used occasionally or sporadically, or that it is in any way subordinate to any of the other principal habitable spaces. The intention of the Applicants is for the upper floor of the barn to become the principal living area of the property and the anticipation is that this room will be the most frequently used of all of the rooms. The obvious level of financial investment in this large space, as a proportion of the overall spend on the development, should provide indication to the Officers of the Applicant's intention that the space will be subject to more than occasional use. Furthermore, the Applicants discussed the intended use of the room with the Conservation Officer during her recent site visit.

The Officer's comment that any (energy) savings in this regard would be negligible, is without qualification: currently the space requires artificial lighting during daily daytime use, therefore the ability to reduce this energy usage through the provision of natural light would be a significant energy saving, thereby delivering public benefit.

6.19 In the absence of any public benefit, it follows that the test prescribed by Paragraph 196 is failed. The scheme leads to harm to the significance of the heritage asset which is without clear and convincing justification. Consequently, the scheme is contrary to policies SS6, LD4, RA5, and SD1 of the Herefordshire Local Plan Core Strategy; policies WEO1 and WEO7 of the Weobley Neighbourhood Development Plan and the principles established by Chapter 16 of the National Planning Policy Framework. Approval of the scheme would also be contrary to the Council's duties under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building and the features of special historic interest which it possesses.

6.19 Applicant response 18/10/20: The Applicants have clearly demonstrated a public benefit in the optimum viable use that the proposal brings to the building. The requirement for sustainable development, sustainable design and energy efficient design is represented by the proposal.

6.20 Accordingly, it is recommended that listed building consent be refused for the reason set out at the end of this report.

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6.20 Applicant response 18/10/20: The Applicants would request that the Committee grant permission for the application for the reasons set out at the end of the report.

6.21 The second application is made under the provisions of Section 73 of the Town and Country Planning Act (1990) and seeks to vary the approved plans under extant planning permission P184664/F. The proposed amendments are the same as those subject to the listed building consent above and are limited to the addition of the two roof lights to the northern elevation.

6.21 Applicant response 18/10/20: no comment.

6.22 The most pertinent matters to consider in determining the application are the effect of the variation upon the character of the listed building and the surrounding townscape, which is designated as a Conservation Area.

6.22 Applicant response 18/10/20: in addition, the opportunity to optimize the sustainability and energy efficiency of the design proposal are equally pertinent.

6.23 In this regard, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

6.23 Applicant response 18/10/20: note again the “Group Value” listed status.

6.24 Similarly, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

6.24 Applicant response 18/10/20: note that the petition supplied by the Applicants states that the scheme provides enhancement and contributes to the character of the building and the conservation area.

6.25 These duties are manifested through the policies of the development plan and the guidance of the National Planning Policy Framework. For brevity, the policy context set out at Sections 6.1.4 to 6.1.6 of this report are equally applicable to the associated planning application and therefore they are not rehearsed again.

6.25 Applicant response 18/10/20: no comment.

6.26 Of additional note, however, are the policies of the development plan relevant to development within Conservation Areas. From the Core Strategy, policies LD4 and LD1 broadly require that proposals contribute to the character and local distinctiveness of the townscape and wider environment; especially within Conservation Areas. From the Weobley Neighbourhood Plan, policy WEO8 sets out a range of detailed requirements for development within the Conservation Area. Amongst other things, this requires that development should preserve and enhance the designated area by respecting the village’s historical evolution and by utilising features which contribute to its character. It also requires that development should contribute positively to the Conservation Area by utilising high quality design which incorporates traditional building features present within the village.

6.26 Applicant response 18/10/20: as in 6.22 above, note that the petition supplied by the Applicants states that the high quality of the design, materials and workmanship of the scheme provides enhancement and contributes to the character of the building and the conservation area.

6.27 In considering an application which seeks amendments to an extant permission, Paragraph 130 of the Framework is also applicable. This directs that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme.

6.27 Applicant response 18/10/20: no comment.

6.28 As identified in the earlier section of this report, it is considered that the provision of the additional roof lights lead to harm to the character and significance of the listed building which is without justification. The same conclusion applies in respect of the planning application and the proposal is thus contrary to development plan policies SS6, LD4, RA5, SD1, WEO1 and WEO7, as well as the principles established by the Framework, in this regard.

6.28 Applicant response 18/10/20: the Applicants have demonstrated that the provision of additional rooflights represents optimal viable use of the space and delivers a public benefit by delivering energy efficient and sustainable design.

6.29 In terms of the impact of the proposal upon the Conservation Area, the subject barn is situated in a prominent location off High Street at the outer edge of the village centre. The barn makes a positive contribution to the character of the Conservation Area and contributes to the significance of the designated asset by reflecting the historic evolution and function of the village. The agricultural character of the barn and its position near the centre of the village is particularly significant here as it reflects a time when agricultural uses more commonly permeated the historic village core. It is important that any proposal ensures that this positive contribution is maintained and that any undue harm to the character of the Conservation Area is avoided.

6.29 Applicant response 18/10/20: the additional rooflights do not represent “undue harm” (the term “undue” isn’t defined in NPPF).

6.30 As already identified, the additional roof lights introduce further non-traditional features to the barn in a manner which domesticates its appearance and erodes its defining agricultural character. This not only harms the significance of building itself, but also diminishes the positive contribution which the barn makes to the character and appearance of Conservation Area within which the building is located. The erosion of the barn’s agricultural character means that the historic function of the building is less clearly legible which, in turn, is detrimental to the building’s role and value in understanding the historic evolution of Weobley. The scheme therefore fails to preserve and enhance the asset of the Conservation Area in the manner required by policies LD4, LD1 and WEO8.

6.30 Applicant response 18/10/20 and 02/11/20: as previously identified, the Applicants are concerned that the Officers have not fully understood the history of the barn or the information supplied by the Applicants. The barn’s agricultural character is one aspect of its character, rather than its defining character: Historic England and Herefordshire County Council have accepted that the later (non-agricultural) history of the barn are of equal importance to the original agricultural function.

It is a fallacy to suggest that the introduction of two additional rooflights to a roof that already has a single rooflight makes the historic function of the building less clearly legible.

6.31 Moreover, an examination of the site’s context shows that roof lights are not a common feature within this part of the Conservation Area. Whilst a few examples are observable on the fringes of the village centre, there is a distinct absence of such features within more prominent and historic central areas such as High Street or Broad Street; which is reflective of the fact that they are not a traditional feature but a relatively modern architectural practice. Their introduction in the quantum that has been installed here therefore appears as a largely alien feature which is incongruous with the historic townscape and roofscape of the village centre, leading to further harm to the Conservation Area. The harm caused in this regard is also exacerbated in the hours of darkness, where the glow of internal lighting increases the prominence of the roof lights with the street scene further. Further tension with LD4, LD1 and WEO8 therefore arises.

6.31 Applicant response 18/10/20: There are several examples of rooflights within High Street: number 5 High Street has street facing rooflights, number 2 and St Columbas Cottage and Throne View have rooflights.

Light pollution at night is prevented by the use of the blackout blinds which are fitted to the rooflights, so this is an irrelevant point, especially considering that rooflights already present on dwellings in High Street, the dormer windows to the Unicorn Inn, the dormer windows to numbers 3 and 5 High Street.

6.32 Drawing these elements together, it is considered that the proposal leads to harm to the Grade II listed building and to the Weobley Conservation Area. The harm in this regard is considered to be 'less than substantial' in accordance with the principles of the Framework. Paragraph 196 therefore directs that this harm should be weighed against the public benefits of the proposal.

6.32 Applicant response 18/10/20: noted.

6.33 As previously, the assessment of public benefit must be made in the context that the proposal is sought as an amendment to the extant planning permission for the conversion of the barn under P184664/F. The original permission has already secured a viable residential use for the barn and therefore this is not considered to be a benefit which can be attributed to the current proposal.

Rather, it must be considered what public benefit is achieved by the amendment over the previous scheme which justifies the additional harm that has been caused.

6.33 Applicant response 18/10/20: note that the Applicants are seeking to secure optimum viable use of the development, as required by Paragraph 196 of NPPF and have furthermore demonstrated public benefits in achieving this (sustainable design, energy efficient design) through the provision of additional rooflights.

6.34 In the view of Officers, the proposed amendment does not deliver any public benefits over and above the previously approved scheme which serves to justify the additional harm that has been caused. The reasons for drawing this conclusion are set out at Section 6.1.5 of this report. The test prescribed by Paragraph 196 of the Framework is thus failed and there is no clear and convincing justification for the harm which has been identified.

6.34 Applicant response 18/10/20: The Applicants have demonstrated public benefits (sustainable design, energy efficient design) through the provision of additional rooflights, therefore the test prescribed in Paragraph 196 of NPPF is passed.

6.35 Moreover, given that the proposed amendment leads to harm which would not otherwise occur if the scheme were implemented in accordance with the details already approved under the extant permission, the proposal is also in direct conflict with Paragraph 130 of the Framework. This explicitly directs that Local Planning Authorities should ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme.

6.35 Applicant response 18/10/20 and 11/02/20: this point is irrelevant as the provision of the additional rooflights is the subject of a separate and ongoing Planning and Listed Buildings Consent Application and is therefore considered separately to the existing permissions.

Notwithstanding the above point, the quality of the development has not materially diminished between permission and completion as a result of changes being made to the permitted scheme.

6.36 Issues of heritage and character aside, the proposed variation does not give rise to any other material planning implications over and above the extant scheme. The alternative proposal has for instance ensured that adequate provision remains for the protection and enhancement of protected species which may be impacted by the conversion and the Conservation Manager (Ecology) consequently does not object to the amendment. The provision of additional fenestration does not give rise to any residential amenity issues and no other adverse comments have been received from relevant consultees.

6.36 Applicant response 18/10/20: no comment.

6.37 In summary, the proposed amendment represents a material diminishment to the quality of the approved scheme and leads to additional harm to the significance of the listed building and the Conservation Area which is without justification or public benefit. Consequently, the scheme fails to fulfil the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to policies SS6, LD4, RA5, and SD1 of the Herefordshire Local Plan Core Strategy and policies WEO1, WEO7 and WEO8 of the Weobley Neighbourhood Development Plan. Moreover, in light of the unjustified harm to designated heritage assets which has been identified the Framework clearly directs that planning permission should be refused.

6.37 Applicant response 18/10/20: as above, the additional rooflights are the subject of an ongoing Planning and Listed Buildings Consent Application so the first point above is irrelevant. The public benefit has been demonstrated, therefore the Officer's conclusion that the scheme fails to fulfil the duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to policies SS6, LD4, RA5, and SD1 of the Herefordshire Local Plan Core Strategy and policies WEO1, WEO7 and WEO8 of the Weobley Neighbourhood Development Plan is incorrect.

6.38 As such, the proposal is not considered to be representative of sustainable development and therefore does not benefit from the positive presumption enshrined in the Framework. It is accordingly recommended that planning permission be refused for the reason set out below.

6.38 Applicant response 18/10/20: The Applicants have demonstrated that the proposal represents sustainable development, and this is supported by the 95 signatories to the petition supplied, the letters of support from Weobley Parish Council and the Local Councillor Mike Jones.

RECOMMENDATION

That Listed Building Consent Application 201645/L be refused for the following reasons

1. The installation of two additional roof lights to the northern elevation of the barn introduces further domestic features in a prominent location which erodes the special agricultural character of the barn and is consequently harmful to its historic value and significance as a Grade II listed building. The works do not deliver any public benefits which would outweigh or justify the harm which has been identified in this regard. Having regard to the duties imposed by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal fails to respect and preserve the building's historic character and features and is thus contrary to policies SS6, LD4, RA5 and SD1 of the Herefordshire Local Plan Core Strategy; policies WEO1 and WEO7 of the Weobley Neighbourhood Development Plan; and the principles established by Chapter 16 of the National Planning Policy Framework.

6.38 Recommendation 1 (LBC). Applicant response 18/10/20: That Listed Buildings Consent Application 201645/L be granted for the following reasons:

The installation of two further rooflights represents a minimal change from the single rooflight already permitted. If one rooflight is permitted, then why not three, where there is a justification for this. Allowing a single rooflight weakens the Officer's argument that rooflights erode the special character of the building.

The barn's "Group Value" listed status reflects that the later changes to the barn should be given equal consideration to its origins as an agricultural building. Reasons for refusal which are based solely on preserving the barn's "original agricultural form" are therefore without merit.

The high quality of the design, materials and workmanship provide enhancement to and contribute to the character of the building and the conservation area.

The support for the scheme given by the 95 local signatories to the petition, the letter of support from Weobley Parish Council and from Councillor Mike Jones. It should be noted that the overwhelming opinion of local residents consulted by the Applicants during the petition was that the three rooflights contribute to and enhance the character of the building and the conservation area and are therefore a positive addition.

That Planning Permission Application 202284/F be refused for the following reason

1. The installation of two additional roof lights to the northern elevation of the barn introduces further domestic features which erode the special agricultural character of the Grade II listed building and appear as being out of keeping with the character and appearance of the surrounding Conservation Area. The proposed amendment therefore represents a material diminishment to the quality of the approved scheme and leads to harm to the character of the area and the significance of designated heritage assets which is without justification or public benefit. Consequently, the scheme fails to fulfil the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to policies SS6, LD4, RA5, and SD1 of the Herefordshire Local Plan Core Strategy; policies WEO1, WEO7 and WEO8 of the Weobley Neighbourhood Development Plan; Chapter 12 and 16 of the National Planning Policy Framework

6.38 Recommendation 1 (PC). Applicant comments: That Planning Permission Application 202284/F be granted for the following reasons:

A single rooflight to the street facing roof was permitted, so this weakens the Officers contention that two additional rooflights erodes the special agricultural character of the barn.

The barns Group Value listed status gives equal weight to the significance of later developments to the building as to its agricultural origins.

The scheme is the subject of an ongoing Planning and LBC Application currently being considered, so the comment about material diminishment of the previous consents is irrelevant in this case.

The justification for the scheme in terms of public benefit has been demonstrated by the Applicants and is therefore fulfils the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies SS6, LD4, RA5, and SD1 of the Herefordshire Local Plan Core Strategy; policies WEO1, WEO7 and WEO8 of the Weobley Neighbourhood Development Plan; Chapter 12 and 16 of the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

6.38 Recommendation, Informatives, 1. Applicant comments: the Applicants again raise their concerns that the Officers have disregarded a number of pertinent facts regarding, or have not fully understood the history, significance and character of the building, whilst making their assessment of this application.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

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APPLICATION NO: 201645

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