



Appeal Decision

Site visit made on 1 March 2023

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/A1910/W/22/3296750

Startup Farm, Long Barn, Lower Icknield Way, Marsworth, HP23 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Baughan of J R Baughan Ltd against Dacorum Borough Council.
 - The application Ref 21/03229/FUL, is dated 20 August 2021.
 - The development proposed is redevelopment of the existing farm complex at Startup Farm to enable two replacement farm buildings to be constructed with hard standing and parking areas together with 9no dwellings and their car parking provision following the demolition of the existing farm, commercial, and equestrian buildings, and the demolition and removal of the existing single storey bungalow fronting Lower Icknield Way, as well as the provision of a suitable turning space for refuse and emergency vehicles, use of the existing vehicular access from Lower Icknield Way to serve the new dwellings, and a new farm access off Lower Ickneild Way to serve the two replacement farm buildings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and on the setting of the Grade II listed Farmhouse at Startup Farm.

Reasons

Character and Appearance

3. The yard at Startup Farm includes an area of hardstanding linking barns for livestock and hay storage along with agricultural machinery and paraphernalia. The Grade II listed Startup Farmhouse is adjacent and the yard also includes the Long Barn which was historically within the curtilage of the Farmhouse and is therefore covered by the same statutory protection. It has been converted to residential use. There are also other more recently constructed buildings on site including stables, where I understand a coffee van is stored. One of the barns is in use as a car repair workshop, and a small shed is used by a Marine Engineer. There is also a modern single storey bungalow sited close to the access from Lower Ickneild Way. The equestrian use appears appropriate to this countryside location, and the other commercial uses and the bungalow make up a small part of this site. Some of the buildings are somewhat run down, nevertheless, overall the appeal site has a clearly rural, farm character.

4. The appeal site is mainly surrounded by open fields, with a reservoir opposite. To the North East there are houses with a row of dwellings fronting Lower Ickneild Way. However the buildings and land associated with Startop Farm differ in character and appearance and are separated by Watery Lane. As such the mainly rural farm buildings on the appeal site form an appropriate part of the wider countryside surroundings.
5. Startop Farmhouse is Grade II listed building. The significance of the farmhouse derives from its age, dating from the early 16th century, its traditional details and materials including its timber frame as well as its historic farmhouse use. The Farmhouse is located within the collection of buildings within the farmyard and retains its agricultural surroundings and appearance, notwithstanding that the farmyard is now in separate ownership. As such its agricultural origins and farmhouse significance remain apparent.
6. The Long Barn was built before 1948 and is within the curtilage of Startop Farmhouse and is curtilage listed. It was originally an agricultural barn which has been converted to residential. It is a single storey timber building with a number of domestic windows and doors inserted. Its features of significance therefore include its historic connection and setting within the farmyard, of which the neighbouring stable block is also now an important part. As well as its traditional agricultural appearance. Albeit, its current use as a dwelling which is apparent from the clearly domestic garden as well as the fenestration erodes its significance in this regard.
7. Given their historic functional link with the farm on this site, the location of Startop Farmhouse and the Long Barn within the farmyard and the surrounding land in agricultural use make a positive contribution to the appreciation of these properties' historic function. The appearance of the farmhouse and barn are also related to their traditional agricultural setting. These features therefore make a positive contribution to the setting of the listed building.
8. The proposed development would introduce 9 houses in 4 different styles into this location. The proposed materials include those typically found in rural locations and it is put to me that the buildings are arranged in the style of a tight knit farmyard layout.
9. However, the appearance of the dwellings with clearly domestic windows and doors along with the associated parking, access and residential gardens result in the proposed development being clearly residential in character. The size and scale of this domestic appearance would be an urbanising feature, which would be visually jarring with the countryside character and appearance of the site.
10. The proposed houses and their gardens would also sever the connection between Startop Farmhouse and The Long Barn and the agricultural use. This would significantly undermine the important farmyard setting of the listed Startop Farmhouse and this ancillary building. Furthermore, the proposed boundary planting and inward facing housing creates a sense of enclosure which conflicts with the openness of the neighbouring countryside land and further emphasises the separation of Startop Farmhouse and the Long Barn from the rural surroundings. Although the removal of the stable block may make The Long Barn more visible, it would be seen in the context of adjacent residential parking which would harm its agricultural setting.

11. The bungalow would be replaced by two single storey dwellings fronting the road. These would be lower in height than Startop Farmhouse. Nevertheless, the proposed dwellings would extend built footprint into an area of existing open space in a highly visible position, further undermining the open rural character.
12. There is a public footpath that links Lower Ickneild Way with Watery Lane from which the site is highly visible. The proposed planting would provide some screening in these views, however the two storey dwellings are likely to be perceived, particularly when trees are not in leaf. Furthermore, there is public access at a raised level around the reservoir, directly opposite the site, as well as the public views from Lower Ickneild Way. The proposed development would be clearly visible from these locations and as such the harm identified above would be experienced.
13. Consequently, the proposed development would have a harmful effect on the character and appearance of the area and on the setting of the Grade II Farmhouse at Startop Farm. This would be contrary to Policies CS7, CS11, CS12 and CS27 of the Core Strategy 2006-2031 (2013) (the CS). Together these seek to protect, conserve and enhance the setting of designated heritage assets, and achieve high quality neighbourhood and site design including in terms of enhancing character and respecting adjoining properties with regard to layout and site coverage amongst other things. As well as requiring that small scale development for farm diversification projects would have no significant impact on the character and appearance of the countryside.

Heritage Balance

14. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the National Planning Policy Framework (2021) (The Framework) the harm to the Listed Building would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.
15. Policy CS7 of the CS supports the redevelopment of previously developed sites for uses associated with a farm diversification project which can be demonstrated to be necessary for the continuing viability of the farm business and which has no significant impact on the character and appearance of the countryside. Given the harm to character identified above, the proposed development would not be in accordance with this policy.
16. I have evidence before me that in its current arrangement the farm is not viable. However, in terms of the land available and modern agricultural machinery owned it could operate a profitable business. To do this it would require replacement agricultural buildings and concrete access areas. I understand these would cost in excess of £200,000, and the development is proposed to generate this funding. The continued viability of the farm business would be an important benefit. However, in the absence of evidence regarding the cost or profit that would be generated from the proposed development I am not satisfied that the scale of the appeal scheme is necessary to ensure that the agricultural use is not lost permanently.

17. The proposed development would provide the important social and economic benefits associated with the provision of 9 new family sized dwellings, close to Marsworth. Taking into account the scale of the development the benefits in this regard would be modest.
18. Taking the above into account, the public benefits associated with the proposed development would be modest. On the other hand, having regard to my statutory duty I am required to have special regard to the desirability of preserving the setting of the Listed Building and I attribute considerable importance and weight to this harm. Accordingly, taking all the above into account, the modest public benefits would not outweigh the unacceptable harm I have found to the setting of the listed building.

Planning Balance

19. The Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites. Therefore paragraph 11(d) of the Framework is engaged. However, given that policies that protect areas of particular importance (in this case, Listed Buildings) provide a clear reason for refusing the development proposed, the presumption in favour of sustainable development does not apply in this case.

Chiltern Beechwoods Special Area of Conservation

20. The Chiltern Beechwoods Special Area of Conservation is a habitats site that has a high level of protection. It is designated due to its beech forests, semi-natural dry grasslands and scrub. The LPA has determined that, without any mitigation in place, in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR