

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
4(2)	23/01014/LBC Beenham Parish Council	11 th July 2023	Retention of unauthorised works, retrospective application for full restoration and conversion of the barn. Add internal insulation and air cooling with the addition of a new porch to West elevation to provide the key reception area for a flexible events venue. Awberry Farm, Beenham Nigel Hopes

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01014/LBC>

Recommendation Summary: The Service Director of Planning and Regulation be authorised to GRANT listed building consent.

Ward Member(s): Councillor Boeck

Reason for Committee Determination: In excess of 10 letters of objection received. In addition it should be considered in conjunction with the partner application 23/00376/FULMAJ

Committee Site Visit: 28th June 2023.

Contact Officer Details	
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1. Introduction

The works can be split into different parts:

1.1 The unauthorised works to large curtilage listed barn include the following:

Restoration of barn carried out in 2006 by previous owners – photos and evidence have been submitted to show that most of the historic structural oak timbers were retained (with the exception of the southern wall), as well as a considerable number of clay tiles. The works were clearly carried out sensitively and were necessary to save this impressive historic barn.

1.2 Subsequent works to the barn carried out by the applicant in readiness for a proposed change of use:

- increase in height of double doors on the west elevation to match design of existing.
- creation of internal opening in southern wall of barn (no historic timbers were lost as this wall was largely reconstructed from modern oak timbers; and
- new composite floor to replace concrete floor

1.3 Proposed works to curtilage listed barn include the following:

- Change of use to ceremonial hall to be used as part of flexible events venue
- Erection of small timber clad a porch on east elevation

1.4 Proposed works to curtilage listed stables:

- Change of use to overnight accommodation for guests of events venue
- Existing openings utilised
- 4no. small rooflights in north elevation
- Small timber clad plant room on north elevation
- Subdivision of internal space to provide bedrooms
- Installation of ventilation and air conditioning units

1.5 The site lies in the North Wessex Downs AONB and lies outside any defined settlement boundary in the Local Plan. The barn in question is curtilage listed..

1.6 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
N/a	A whole range of applications made to the rear of the principal listed farmhouse to the east of the application site but of no particular relevance to this proposal. Remainder of history—see partner application under 23/00376/FULMAJ.	N/a

1.7 There have been range of planning applications and listed building consents on the site since the applicant's purchase of the site. All applications capable of registration by the LPA must be determined, unless withdrawn. It is the officer view that the

range of rear extensions sought on the listed farmhouse have little or no bearing on this application given the physical separation involved.

2. Procedural Matters

- 2.1 The listed building consent application is not considered to fall under the remit of the EIA regulations, of 2017. Accordingly no Environmental Statement is required to be submitted with the application.
- 2.2 Site notice erected on the 22nd May. Expiry on the 13th June. Advert in the Newbury Weekly News on the 18th May as listed building consent and an application which might impact upon the setting of a public right of way.

3. Consultation

Statutory and non-statutory consultation

- 3.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Beenham Parish Council:	<p>Raise objections to the application, which is confusing appearing in three distinct sections. No objections however to the original works undertaken in 2006. How can a retrospective application be legal? Enforcement action should be taken on the matter. The works are only proposed to facilitate the proposed change of use identified under 23/00376.</p> <p>Second response to the application still strongly objects to the proposal for the barn. Has not allowed the Community to take part in the future of the barn.</p>
Environmental Health	<p>The officer has carefully examined the proposal and notes that IF all the sound insulation works are undertaken in the barn as identified above, then any objections on noise disturbance and impact will be removed. Officer comment –see partner application for views on the acoustic impacts of the proposed change of use.</p>
Conservation Officer	<p>No objections to the retention of the unauthorised works which I do not feel have caused any harm to the special interest or significance of the curtilage listed barn or Awberry Farmhouse.</p> <p>I have no objections to the proposed change of use of these agricultural buildings into a flexible events venue, to include a ceremonial room within the large curtilage listed barn, overnight guest accommodation in the curtilage listed C19th stables, and ancillary services/accommodation in the modern unlisted barns. The proposal retains the special interest of the large barn and the C19th stables, and the relationship and spatial and functional relationship between the farm buildings and listed house. I agree with the conclusions of the heritage statement in that the proposed use is a sympathetic way of bringing redundant</p>

	<p>traditional agricultural buildings back into viable use, without the need for large scale subdivision or extension.</p> <p>The parking has been located behind the modern farm building so will be largely hidden from the listed buildings. Additional screening is proposed which will further help reduce its impact (a landscaping condition will be required to ensure this is planted and maintained).</p> <p>Notwithstanding the above, concern was expressed with the proposals to install acoustic measures. Further information/details was therefore requested and received. I am of the opinion that given that the weatherboarding and tiles are new and form part of the 2006 restoration, the installation of the insulation between the historic frame and the weatherboarding and roof tiles will not give rise to any harm to the historic fabric. The submitted 1:10 cross section shows that the insulation will only result in an increase in depth of 20cm, which I do not consider would materially impact the overall appearance and proportions of the barn.</p> <p>I therefore have no objections to the proposed insulation details. However, I would like to see full details (Plans/cross sections) showing the impact of the ventilation and air conducting and grilles on the building. I am happy for this to be conditioned.</p> <p>Case Officer note –the details will be supplied via the pre-condition to be applied.</p>
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Public representations

- 3.2 Representations have been received from 50 contributors, 30 of which support, and 20 of which object to the proposal.
- 3.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- **Objection**
 - The past unauthorised works should not now be permitted by the Council
 - Enforcement action should be taken accordingly
 - The works are only proposed in order to facilitate the proposed change of use – what happens if that application is refused?
 - The proposed internal and external works will harm the historical integrity of the listed barn which will be harmful to this designated heritage asset.
 - A great many of the objections re iterate concerns about the proposed change of use application. Not about the impact upon the physical structure of the barn per se.
 - The applicant appears to be very cavalier in his approach to such planning matters. It is a cynical attempt to pervert the proper planning process. In addition if the application is approved it would set a harmful precedent.
 - The whole application is confusing—is this done on purpose?

- Some do not object to the original works being undertaken in 2006 but only the more recent ones and the proposed ones.

Support

- The works to the barn are modest and in keeping and will not harm the historical integrity of the structure.
- Again the works proposed will facilitate the proposed change of use, which is actively encouraged by the supporters, i.e it will provide more local employment for the villagers and bring economic vitality back into the village e.g. the public house.

4. Planning Policy

- 4.1 This listed building consent application is made under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant listed building consent for any works the local planning authority must 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.
- 4.2 In large part the same heritage conservation considerations will apply as with planning applications. The Government's policy for the historic environment on deciding all such consents and permissions is set out in the National Planning Policy Framework (NPPF). The NPPF does not distinguish between the type of application being made. It is the significance of the heritage assets and the impact of the proposals that should determine the decision. Paragraph 193 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Consistent with the NPPF, Policy CS19 of the West Berkshire Core Strategy 2006-2026 states that particular regard will be given to the conservation and, where appropriate, enhancement of heritage assets and their setting. Consequently, the main issue is whether the proposal would preserve the special architectural and historical interest of the listed building and its setting.

5. The principle of the works

- 5.1 It is not an offence under planning legislation to apply for the retention of unauthorised works to a listed building. The principle of making this listed building consent application in three phases is accordingly acceptable, with the listed building consent being capable of legal registration such that the Council can determine it on its merits.

6. Impact on listed building

- 6.1 The special interest of the barn lies in the following:
- Good surviving example of a mid-C19 timber framed barn.
 - Its architectural form – in particular the impressive large, open internal volume.
 - Survival of the original timber frame.
 - Group value due to its spatial and functional relationship with the Grade II listed Awberry Farm House, and the C19th stables to the north.
- 6.2 The special interest of the stables lies in the following:

- Group value due to its spatial and functional relationship with the Grade II listed Awberry Farm House, and the C19th barn.
 - Vernacular form and use of materials
- 6.3 The conservation officer has raised no objections to the retention of the unauthorised works, as they are not considered to have caused any harm to the special interest or significance of the curtilage listed barn or Awberry Farmhouse. In addition the conservation officer has raised no objections to the proposed change of use of these agricultural buildings into a flexible events venue, to include a ceremonial room within the large curtilage listed barn, overnight guest accommodation in the curtilage listed C19th stables, and ancillary services/accommodation in the modern unlisted barns. The proposal retains the special interest of the large barn and the C19th stables, and the relationship and spatial and functional relationship between the farm buildings and listed house.
- 6.4 The conservation officer is of the opinion that the proposed use is a sympathetic way of bringing redundant traditional agricultural buildings back into viable use, without the need for large scale subdivision or extension. This is in accordance with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) which require that proposals should preserve the heritage significance of listed buildings. Furthermore, the parking has been located behind the modern farm building so will be largely hidden from the listed buildings. Additional screening is proposed which will further help reduce its impact (a landscaping condition will be required to ensure this is planted and maintained).
- 6.5 The introduction of ventilation and air conditioning units will result in some limited harm to the character of the building. Where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF requires that in determining the application the less than substantial harm must be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.
- 6.6 It is considered that the proposal will help secure a sustainable use for the building which retains the special character of the buildings and the setting of the main listed building in accordance with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Ecology

- 7.1 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) transpose the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law. Schedule 2 of the Regulations lists all species of bats as being European Protected Species of animals. It is an offence, subject to exceptions, to, amongst other things, kill or disturb animals listed in Schedule 2; this includes a single bat, not just a population of a species. However, these actions can be made lawful through the granting of licenses by the appropriate authority (Natural England), but only after it is satisfied that there are no satisfactory alternatives and such actions will have no detrimental effect on the species concerned.
- 7.2 Regulation 9(1) imposes a duty in relation to 'functions which are relevant to nature conservation...so as to secure compliance with the requirements of the Directives' and deciding an application for LBC would be such a function. Indeed, under the

Regulations, there is a duty upon the competent authority, in the exercise of any of their functions to have regard to the requirements of the EC Habitats Directive in so far as they may be affected by the exercise of those functions.

- 7.3 Whilst there is no express mention of protected species within Section 16 and 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the granting of listed building consent should not circumnavigate the requirement of the Regulations. Indeed, if listed building consent and protected species are mutually exclusive, then works could have harmful impacts on protected species, resulting in a contravention of the law.
- 7.4 Irrespective of whether the works to a listed building constitute 'development', it is still incumbent on the local planning authority to establish if the works being applied for could potentially affect bats, their breeding sites or resting places, which are fully protected by law. The Regulations apply to applications for listed building consent (LBC), depending on the nature of the works proposed. In this case, the proposed works would involve the proposed sound insulation works, replacing the barn roof, potential external lighting which are included within the list of activities that could potentially affect protected species as set out in Government Guidance (Bats: protection and licences (published 8 October 2014, updated 29 March 2015)).
- 7.5 The applicant's submitted ecology survey notes that there are protected species in the listed barn and that mitigation and compensation measures are required during the works. These include obtaining a licence for the works from Natural England, certain works to be undertaken outside of winter hibernation, and bat boxes to be installed on site. These measures can be secured by condition.

8. Relationship of this application to the change of use proposal

- 8.1 There is no absolute legal necessity for the Committee as the Planning Authority, to determine both 23/00376 and this listed building consent application in the same way. However it is the strong advice of officers that should the Committee elect to approve 23/00376, then it should also approve 23/01014/lbc. The corollary similarly applies, i.e if the one is refused then so should the other in order to be internally consistent. It is never "good" practice to authorise additional physical works to a listed building [where not strictly required for repairs] unless they serve a valid planning purpose. In this case phase 3 of the listed building works correlating to the sound insulation measures and the consequent air ventilation needs, would serve no planning value if not linked to the change of use proposal. It would be open to the applicant subsequently to submit another listed building consent application for phases 1 and 2 of the currently unauthorised works to obtain retrospective approval.

9. Planning Balance and Conclusion

- 9.1 The proposed works to the listed barn are accepted by officers as being reasonable and justifiable physical interventions into the structure of the barn, without undue harm to its physical integrity and historical/cultural value and significance as a heritage asset. If approved it will assist in the future viable use of the barn. It is accordingly recommended for conditional approval.

10. Full Recommendation

- 10.1 To delegate to the Service Director of Development & Regulation to GRANT LISTED BUILDING CONSENT subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
2.	<p>Air ventilation/cooling.</p> <p>No development shall take place until full details/cross sections showing how all ducting (from the ventilation units and air conditioning units) will feed into the building, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
3	<p>Approved Plans</p> <p>The development must be carried out in strict accord with the following as approved plans.</p> <p>Existing site plan-21/08/04 A Location plan –blue jet mapping. Floor plan—22/010/14A Site plan-21/08/04 Section-22/10/sct Elevations -22/10/16B</p> <p>Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.</p>
4	<p>Link to change of use</p> <p>The change of use permitted under 23/00376/FULMAJ shall not commence until all the works to be carried out as approved by this listed building consent have been completed.</p> <p>Reason. To ensure the noise impact is mitigated to a satisfactory level in accordance with policy OVS6 in the West Berkshire District Local Plan of 1991 to 2006 and the National Planning Policy Framework</p>
5	<p>Ecology</p> <p>The works to the listed building hereby granted shall be undertaken in accordance with the bat mitigation measures identified in the John Wenman Ecological Consultancy Bat Emergency & Re-entry Survey Ref R3003/a. Prior to commencement of the relevant works to the listed building: a copy of the European</p>

	<p>Protected Species Mitigation Licence shall be submitted to the Local Planning Authority prior; bat boxes shall be installed, and the licensed ecologist shall give a toolbox talk to contractors.</p> <p>Reason: To ensure protected species on site are protected as part of the works in accordance with the National Planning Policy Framework and policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>Time limit on development before further surveys are required</p> <p>If the conversion works hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within a year from the date of the planning permission, the approved ecological measures secured through Condition 5 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and (ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development continuation of the works. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.</p> <p>Reason: To ensure that any working practices or other mitigation measures are informed by up-to-date survey information in the interests of protecting bat populations. A pre-commencement condition is required for updated surveys given the mobile nature of bats. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>