HAVANT BOROUGH COUNCIL - REPORT OF HEAD OF NEIGHBOURHOOD SUPPORT

File Reference: 19/00056/CMP/UNBW

Date: 6th March 2023

Address: Antrims Barn, St Peters Road, Hayling Island, PO11 0RT ("the Land")

Breach: Unauthorised single storey rear extension to Grade II Listed Building

SITE AND BACKGROUND

Antrims Barn is a Grade II Listed timber building of late C18 origin which has now been converted into a dwellinghouse. The building was listed on 30 July 2004.

The site lies within St Peters Conservation Area. The Listing Description is as follows:

> *"100/0/10034 ST PETER'S ROAD 30-JUL-04 Hayling Island Barn with attached cartshed adjacent to village hall*
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> *II Threshing barn and attached cartshed. Barn dated 1791 with the initials JH to tiebeam adjoining southern cart door, cartshed appears of similar date. BARN: Timberframed, clad in weatherboarding, much still tarred. Half-hipped roof covered in corrugated iron sheeting. Four bay barn, aligned north to south with cart entrance in penultimate bay to north. The west side has full-height double cart doors retaining pintle hinges and lower doors to the east. The interior has upright posts with cut profile jowls and the aisle posts have stone padstones. The wall frame has a midrail and diagonal braces. The roof structure has angled queen struts with purlins and original rafters with ridgepiece. CARTSHED: Attached to the north east, also timberframed, clad in tarred weatherboarding with hipped roof covered in corrugated iron sheeting. It is of one storey and four bays, open fronted to the east where it is supported on square wooden piers. The roof structure has tiebeams and original rafters.*
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> *Late C18 timberframed aisled threshing barn, dated 1791 on a tiebeam, with attached openfronted cartshed of similar date."*

The site is accessed by an existing driveway from St Peters Road.

Following an enquiry received to the Council concerning an extension to the rear of this dwellinghouse, the matter was investigated. As a result of this investigation, it was established that a single storey rear extension had been constructed and attached to the dwellinghouse. It is claimed by the owner that this extension is mobile as it appears to have been constructed on some form of metal frame/skids and therefore is not subject to planning control. However, the extension has been constructed on site and is in the Council's opinion attached to the dwellinghouse, with internal access provided to the dwellinghouse by a door and connected guttering. The owner has indicated the extension is required as a storage/ boot room

so that dirt from the farm would not be taken into the main part of the dwelling house and as a shelter for lambs etc.

Whilst every effort has been made to match the materials of this C21 rear extension with that of the host, the extension, breaks the simple form of the original building whilst also serving to conceal and disturb the historic layout of the barn and part of its history. Therefore, its proportions and appearance are crude and at odds with the remainder of the building's exterior.

The alterations to this Grade II are unlawful, as Listed Building Consent has not been obtained. Planning permission is also required for this development, which has not been obtained, nor has the owner attempted to seek to regularise the position.

LISTED BUILDING & PLANNING HISTORY

EVIDENCE DEVELOPMENT SUBJECT TO PLANNING CONTROL

As this single storey rear extension is an alteration to the Listed building, immunity from control cannot be obtained for these works. Therefore, the development is subject to Listed Building Consent and requires planning permission.

CONSERVATION OFFICER NOTES

While the extension generally has a harmful effect on the significance of the Listed Building, this does not extend to the appreciation of the symmetry of the rear façade or its interaction with the enclosed garden. The scale and form of the original building therefore still dominates in this context.
The significance of the barn lies in its architectural and historic interest, as an early example of vernacular architecture to a modest scale. Its interest goes hand on glove with its simple form.
The definition of 'setting' in the Framework is the surroundings in which a heritage asset is experienced. The undeveloped qualities of the land to the rear of the cottage transition to the agricultural field beyond. Coupled with the general absence of nearby built form, it is a prominent within the street and make a positive contribution to its setting, which in turn contributes to its understanding and significance.
Other nearby dwellings are predominantly arranged to a street frontage. The features of the site, particularly its spacious and contained backdrop and its open and undeveloped qualities, therefore make a positive contribution to the character and appearance of the site and its surroundings.
The reduction of space around the cottage and the presence of built development to its rear would therefore be harmful to its setting and the character and appearance of the site and its surroundings.

PUBLIC BENEFITS AND CONCLUSIONS

The site is located within the defined urban area within the St Peters Conservation Area. As such regard must be paid to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise of its planning powers with respect to any buildings or other land in the conservation area, the local planning authority shall pay special attention to the desirability of preserving or

enhancing the character or appearance of that area.

The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance. The Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be considered in determining applications. The Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

The unauthorised development is harmful to the appearance and setting of the Grade II listed building, having a negative effect on its significance as a designated heritage asset. The harm identified would equate to less than substantial harm. In such circumstances, the Framework identifies that this harm should be weighed against the public benefits of proposals.

It has not been demonstrated that any such public benefits exist that would justify development that would be harmful to the setting of the listed building or its appearance. Hence, the unauthorised development fails to satisfy the requirements of the Act, the Framework and conflicts with the design and heritage aims of local planning policy.

FALL BACK POSITION

It is considered there is no ‘fall back’ position, because Listed Building Consent and planning permission is required for the alterations to the building.

THE HUMAN RIGHTS ACT 1998

The Human Rights Act confers several rights, of which the following are relevant in this case.

First Protocol, Article 1: the right to peaceful enjoyment of possessions. It is necessary to balance the right to use this land as the owner wishes, against the need to protect the character and appearance of this important listed building. The development is contrary to the Council's adopted policies and Government advice in Planning Policy Guidance Notes. The requirements of the notice are proportionate to the intended objective of local and national planning policy that expect the highest quality of design.

Article 6: Right to a fair trial: If the recipients of the notice are aggrieved by the Local Planning Authority's (LPA) decision there is the right of appeal to the Planning Inspectorate, which is an independent body. Accordingly, the decision-making process falls within the requirements of Article 6.

Article 14: Prohibition of discrimination. Prohibits discrimination on grounds such as sex, race, colour, language, religion, political opinion, national or social origins, property birth or other status. By taking enforcement action the LPA would be treating the occupiers no differently from any other member of society. Conversely, by not taking formal action this would be an act of positive discrimination.

EQUALITY ACT

The Equality Act 2010, which came into effect on 1st October, includes a new public Sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.

Part 11, Section 149 provides the following 'Public sector equality duty' on authorities:

"(1) – A public authority must, in the exercise of its functions, have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking the recommended action.

The breaches of planning control and action to resolve the breaches have been assessed in the context of the Human Rights Act and Equalities Act, and action to resolve the breach is considered proportionate and in the public interest in order to uphold the planning laws of the land and harm caused to the public amenity values.

RECOMMENDATION

In consultation with the Head of Neighbourhood Support it is recommended that a Listed Building Enforcement Notice is issued, pursuant to Section 171 of the Town and Country Planning Act 1990 in accordance with the reasons and requirements as shown on the draft notice attached to this report.

And.

Commence legal proceedings and/or direct action for failure to comply with any notices issued by the Council.

Signed Officer	[redacted] Sophie Bebee	Dated	06/03/2023
Signed Head of Regeneration and Communities	[redacted]	Dated	06/03/2023