

Appeal Decision

Site visit made on 8 December 2016

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2017

Appeal Ref: APP/C2708/D/16/3161406

The Laithe, Bentham, Lancaster, North Yorkshire LA2 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Patrick Murray against the decision of Craven District Council.
 - The application Ref 18/2016/16992, dated 12 May 2016, was refused by notice dated 29 September 2016.
 - The application sought planning permission for *Conversion Of Adjoining Barn To Form Extension To Existing Dwelling House. Part Demolition Of Attached Lean-To Shippon To Form Additional On-Site Parking* without complying with a condition attached to planning permission Ref 18/2015/16232, dated 14 January 2016.
 - The condition in dispute is No 3 which states that: "All new areas of external wall and roof shall be constructed of natural stone and slate which shall match in type, colour, texture, and shall be laid in a manner to match, the stone and slate used in the construction of the external walls and roof of the host building".
 - The reason given for the condition is: "To safeguard the appearance of the host building, the setting of the adjoining listed building and the character and appearance of the surrounding countryside, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, H8 and H20 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework".
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Procedural matter

1. The Application Form, Planning Decision Notice and Appeal Form all make clear that this proposal relates to "the removal of condition no. 3 of planning approval ref. 18/2015/16232, granted 14 January 2016" which effectively seeks to carry out the planning permission without complying with Condition 3 of that consent. I have dealt with the appeal on this basis.

Decision

2. I dismiss the appeal.

Background and Main Issues

3. The Laithe stands close to Lower Hardacre House which is a listed building. Condition 3 requires all new areas of external finishes on The Laithe to be of natural materials to match the host building. In which case, I consider the main issues to be the effect that removing the disputed condition would have on the character and appearance of The Laithe and the setting of Lower Hardacre House.
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Reasons

4. The Laithe is a former barn, part of which has been converted to residential use. The remainder has planning permission to be converted to domestic use as an extension to the existing dwelling. It stands adjacent to Lower Hardacre House and together they occupy an isolated position within the open countryside, to the north of the hamlet of Keasden.
5. I note that Condition 3 was attached to the planning permission to ensure that suitable materials were used in the conversion works. I observed that The Laithe, as a large, freestanding former agricultural building built from randomly laid natural stone under a natural stone/blue slate roof, very much reflects the local vernacular of this part of North Yorkshire in terms of its appearance, in particular the materials used in its construction. The roof and wall materials are typical of the area and define the character and appearance of its traditional rural buildings. In my Judgement, Condition 3 is necessary in order to protect the vernacular character and appearance of The Laithe.
6. Furthermore, the intimate relationship between The Laithe and Lower Hardacre House means that the former is a strong element within the setting of the latter. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development. The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which it is experienced. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
7. While the fabric of the listed building would remain untouched by the approved development at The Laithe (and from what I observed that is where the majority of its significance as a designated heritage asset lies) the setting of Hardacre House does, to some degree, contribute to its significance. The materials used in the external walls and roof of The Laithe form a strong element of the character of that building and therefore in the contribution it makes to the setting of the listed building. This in turn contributes to the significance of the listed building.
8. Given the importance of the roof and wall finishes of The Laithe in terms of the overall effect it has on the setting of the listed building, I consider that Condition 3 is necessary in order that special regard is paid to the desirability of preserving the setting of this listed building in accordance with PLBCA Section 66(1).
9. The appellant pointed out that the roof of the building is not presently water tight and I note his frustration with the Council's handling of the application. I have also noted the appellant's claim that *Grey Slate* and *Ingleton Slate* are only available second hand and are difficult to obtain, and his desire to use *Indian stone slates*. However, this appeal as set out above, is against to the refusal of planning permission to carry out planning permission (ref. 18/2015/16232) without complying with Condition 3, rather than against a refusal of the Council to grant consent, agreement or approval to details required by Condition 3.

Conclusion

10. Condition no. 3 of planning permission ref. 18/2015/16232, dated 14 January 2016, is necessary notwithstanding the appellant's argument that the building is not readily visible from any public thoroughfare, to protect the vernacular character and appearance of The Laithe and to preserve the setting of the Lower Hardacre House. Carrying out the planning permission without compliance with this condition would fail to safeguard this character and appearance and would fail to pay special regard to the desirability of preserving the setting of the listed building. Accordingly, the proposal would conflict with saved Policies ENV2, H8 and H20 of the adopted Craven District Council (Outside the Yorkshire Dales National Park Authority) Local Plan.
11. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR