



Appeal Decisions

Site visit made on 18 September 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 30 September 2019

Appeal A

Appeal Ref: APP/A4710/W/19/3232298

Pike End Farm, Rishworth, Sowerby Bridge, HX6 4RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Lees against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01427/HSE, dated 26 November 2018, was refused by notice dated 18 April 2019.
 - The development proposed is a single storey rear extension.
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Appeal B

Appeal Ref: APP/A4710/Y/19/3232304

Pike End Farm, Rishworth, Sowerby Bridge, HX6 4RG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ian Lees against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01428/LBC, dated 26 November 2018, was refused by notice dated 18 April 2019.
 - The works proposed are a single storey rear extension.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. The site lies within green belt. Having regard to the size of the proposal relative to the overall building, the Council consider that the proposal would not comprises a disproportionate addition and so would not be inappropriate development within the green belt. I see no reason to dispute this view.
3. The proposals were refused on the basis of submitted plan ref 2571-18-01 C. The appeal is accompanied by a further set of plans ref 2571-18-01-E.
4. I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. Nonetheless, and irrespective of the merits or otherwise of an alternative proposal, I have considered whether it would be appropriate to take the additional drawing into account in this case and whether an alternative proposal could be appropriately secured by condition. I have concluded that it would not. Firstly because to do so would result in a substantially different scheme to the one originally applied for, which

*Planning Practice Guidance*¹ advises should be avoided. Furthermore, to do so would potentially run contrary to the *Wheatcroft* principles². The key test in this regard, is whether dealing with the proposal in that way would so change the development that to grant permission on that basis would deprive those who should have been consulted on the changed development, the opportunity to make representations. As I cannot be assured that all those consulted would not be prejudiced by a revised scheme I cannot proceed on that basis.

5. I have therefore determined the appeal on the same basis as the Council did, using the original plan. This plan has not been subject to consultation with interested parties and was not considered by the Council. I have therefore not taken the revised plan into account and have determined the appeal on the same basis as the Council did, using the original plan.
6. The building known as "Pike End Farmhouse and Attached Barn" is a Grade II listed building.

Main Issues

7. Consequently, the first main issue for both appeals is the impact the works would have on the listed building, known as "Pike End Farmhouse and attached barn", or on any features of special architectural or historic interest that it possesses. The second main issue for Appeal A is the effect of the proposal on the character and appearance of the area.

Reasons

Impact on the Listed Building

8. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy BE14 of the Replacement Calderdale Unitary Development Plan (UDP) amongst other things seeks development which does not have an adverse effect on the architectural or historic character or appearance of historic assets, or their setting. This reflects the statutory duties defined in the Act.
9. Pike End Farmhouse is 2 cottage laithe house and attached barn believed to date from the late 18th Century. The building has been altered over time and was converted to a single dwelling in the 1980's. The building has an uncluttered linear form and the original purpose of the building is still clearly evident. Its significance as a heritage asset lies largely in its status as an attractive example of a building of its type and period and in the contribution it makes to the character of the surrounding countryside.
10. The proposal would involve the erection of a single storey addition to the rear elevation for use as a sunroom. The plans show a projecting front gable which would be mostly glazed. It includes a centrally placed window with glazing to the apex flanked by full height glazed panels.
11. The existing elevation has a large "cart door" which provides a glazed opening containing a patio door. The appellant advises that this is not an original

¹ Planning Practice Guidance ID 21a-012-20140306 - 'Can conditions be used to modify plans and other details submitted with an application?'

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, p37]

feature of the building, having been introduced during the works to convert the buildings to a dwelling. The proposal would retain the opening, which would be visible through the glazed frontage of the proposed extension. It would also not involve any demolition. I therefore do not consider that the proposal would lead to harm through the loss or concealment of the buildings original features. Nevertheless, the projecting gable is a fussy detail which would appear incongruous in the context of the larger linear form of the main building. The glazed apex would also appear overly domestic and would be at odds with the simple agricultural appearance of the building behind. In this regard it would appear as an incongruous addition that would harm the building's appearance.

12. The harm that would arise to the appearance of the heritage asset would cause harm to the special interest of the listed building and so to its significance. The level of harm caused to the significance of the heritage asset would be less than substantial. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
13. No public benefits have been identified which would outweigh this harm. It follows that the proposal would fail to comply with national policy outlined in the Framework and with policy BE14 of the UDP.

Impact on the Character and Appearance of the Area

14. The building sits in an elevated position above Rishworth and the rear elevation on which the extension is proposed is prominently visible on the approach from the north. The proposal would therefore also be visible in long range views into the site. For the reasons set out above I consider that the proposal would appear incongruous and so harm the significance of the building as a heritage asset. As it would be highly visible it follows that it would also lead to some harm to the character and appearance of the area. Consequently it would conflict with policy BE1 of the UDP, which seeks development proposals which make a positive contribution to the quality of the existing environment by means of a high standard of design.

Conclusion

15. The appellant has drawn my attention to a number of other proposals relating to listed buildings in the district, where extensions to former agricultural buildings have been approved. Whilst I am not aware of the specific details of these schemes, their existence does not negate the harm that would arise in this case. This matter does not therefore weigh in favour of the proposal, or alter my considerations above.
16. The proposal would harm the significance of the listed Pike End Farmhouse and attached barn and to a lesser extent would harm the character and appearance of the area. No public benefits identified would outweigh this harm. Accordingly, for the reasons given above, and having regard to all other matters raised, the appeals are dismissed.

Anne Jordan

INSPECTOR