
Appeal Decisions

Site visit made on 19 November 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date:

Appeal A: APP/P2935/W/19/3230587

The Riding Farm, Riding Mill, NE44 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
 - The appeal is made by Mr R Findlay (Trustees of the Riding Farm Settlement) against the decision of Northumberland County Council.
 - The application Ref 18/01223/FUL, dated 6 April 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the demolition of existing modern structures, change of use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building.
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Appeal B: APP/P2935/Y/19/3230584

The Riding Farm, Riding Mill, NE44 6HW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr R Findlay (Trustees of the Riding Farm Settlement) against the decision of Northumberland County Council.
 - The application Ref 18/01224/LBC, dated 6 April 2018, was refused by notice dated 13 December 2018.
 - The works proposed are the demolition of existing modern structures, change of use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building.
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Decisions

Appeal A Ref: APP/P2935/W/19/3230587

1. The appeal is dismissed.

Appeal B Ref: APP/P2935/Y/19/3230584

2. The appeal is dismissed.

Preliminary Matters

3. These decisions deal with a planning appeal under S78 of the TCPA (Appeal A) and a listed building consent appeal under S20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.

4. The applications were made on a single application form and the description of the proposals is thus the same for both. Listed building consent (LBC) is not required for the change of use of land or a building and is therefore omitted from the decision on Appeal B ref. APP/P2935/Y/19/3230584. Planning permission is not required for internal alterations so 'internal alterations' has been omitted from the decision on Appeal A ref. APP/P2935/W/19/3230587.
5. As part of the appeal documents the appellant has submitted a Structural Appraisal Report¹ which was not subject to consideration during the determination of the planning application or LBC and has sought that I consider this as part of the appeals. This further information provides additional clarification to the main issue and does not result in changes to the scheme. The Council have had sight of the document, however have not commented upon it. In accordance with the 'Wheatcroft Principles',² the acceptance of the Structural Appraisal Report would be appropriate and not deprive those who should have been consulted or been given the opportunity of such consultation. As such, I will accept this further information for both appeals and will base my decision upon it.

Main Issue – both appeals

6. The main issue is the effect of the proposals upon the architectural and historic interest of the Grade II listed buildings, and whether the proposals preserve their setting or any features of special architectural or historic interest which they possess.

Reasons – both appeals

7. Sections 16 (2) and 66 of the PLBCA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses including its setting.
8. I note the submission of a Heritage Statement³ and Historic Buildings Assessment.⁴ Whilst the latter provides a useful descriptive analysis and synopsis of the physical components and evolution of the buildings, the document is more akin to a building recording, rather than a heritage statement that would be fully in accordance with paragraph 189 of the National Planning Policy Framework (the Framework). Such statements of significance should seek to understand the heritage values which derive from tangible and intangible elements, associations and relationships that make up the significance of the listing, including their setting, in order to understand the potential impact of the proposal on the significance. Neither the Heritage Statement or the Historic Buildings Assessment undertake this assessment of significance and hence are limited in aiding understanding of significance, or harm caused to this significance.
9. The appeal property consists of two separate grade II listings, one listing concerning the Farmhouse itself, and the other listing regarding the ancillary farm buildings such as the attached barn, cowshed and gingang which form a steading to the main farmhouse, the latter listing being the subject of this appeal. The historic buildings date predominantly from the eighteenth and

¹ Structural Appraisal Report, Riding Mil Farm, Dated 22 January 2019, By Crawford Higgins Associates

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

³ Heritage Statement by K Butler, Butler Haig Associates,

⁴ Riding Farm, An Historic Building Assessment, December 2016, By Peter F Ryder

nineteenth centuries. Whilst the group of buildings which make up the steading individually have significance, the significance in which relates to this appeal predominantly concerns the remaining historic fabric and its construction (including fixtures and fittings), quality of materials and craftsmanship, and the relationship to their traditional construction and former form and function. The historic floorplan, and layout are also still intact with the compartmentalisation of spaces which reflect their functions and the circulation routes are reflective of this. There is also group value in that the buildings have a functional relationship and are experienced together as a good collection of a largely unaltered historic agricultural steading which allows an understanding of the various agricultural operations, functions and relationships between the land and associated buildings.

10. Based on the evidence before me, it appears that there is agreement between the Council and the Appellant that the removal of the modern structures are appropriate; and that the principle of an extension which replicates the footprint of a previously demolished extension is also appropriate. However, there is disagreement between the parties on the raising and altering of a barn roof to facilitate a bat roost/increase of head height; and the methodology, loss of historic fabric and materials to be utilised in the conversion of the buildings to dwellings.
11. The historic buildings on site are of traditional construction and therefore methods of refurbishment need to be 'breathable,' authentic and compatible with the buildings. Some of today's methods of construction are incompatible and non-breathable which has the potential to cause decay of the historic fabric. They may also be inauthentic, which can affect the building's significance. The proposed lining of the walls with a gypliner plasterboard system which is non-breathable is therefore inappropriate in this instance as it would introduce non-breathable construction which may be detrimental to the historic fabric, as would harder products such as cement which is suggested to be added to the mortar mix to point stonework. Such methodologies are incompatible and inauthentic and would affect the significance of the historic building in terms of its construction, methods and materials and would be likely to increase the risk of decay to the historic fabric.
12. I note comments that the increase in roof height and alterations to the trusses to facilitate a bat roost. However, to me these alterations are aimed at the use of a floor for an occupant, rather than for a bat roost, as the bat roost could be installed without the alteration of the roof and still enable a sufficient floorplan to be utilised as a family dwelling. I also have concerns with regards to asphalt roofing felt, which is non-breathable to be utilised in the roof cavity. Whilst I appreciate that this is to facilitate a bat roost, there are other products available which allow a roof cavity to be breathable as well as be appropriate for bat roosts.
13. I also note discussion between the parties with regards to the reconfiguration of space and the loss of historic fabric such as stone walls for openings. In rooms such as 'Area 3' on the Existing Floor Plan, twentieth century animal pens would be removed, a mezzanine installed and a stairwell, with a new entrance into the gingang formed by a new doorway through the stone party wall. The proposed mezzanine and new stairwell are also problematic with the deletion of an existing historic stairwell/ladder in 'Area 2' and with further fabric being removed which changes the circulation routes of the building. In

'Area 8' and 'Area 9' as noted on existing plans, the cartshed/outbuilding has been decompartmentalised with the loss of a majority of brick dividing wall to form an open plan living/kitchen area. For the above specified works amongst others, it is not apparent that consideration has been given to the constraints, fixtures and fittings of the building and that the works have been thoroughly justified and the best option available.

14. Taken as a whole, the alterations are quite invasive and result in a loss of significance, predominantly as a result of loss of historic fabric via new openings, and the changing in compartmentalisation of the building and circulation routes which affects how the building is experienced in terms of its historic form and functioning. The addition of a mezzanine floor and staircase in a different location to the existing lacks sufficient justification as to their necessity. There has been no clear and convincing justification presented for any of these new openings, alterations and loss of historic fabric and it is questionable whether they are the only options available, or which have the least impact upon the significance of the historic building.
15. It is clear to me that the proposed alterations as described would unacceptably harm the significance of the listed building, thus failing to preserve the building or its setting or any features of special architectural or historic interest which it possesses.
16. Consequently, the proposed scheme would be contrary to: Tynedale District Local Plan (2000) (LP) Saved Policy BE21 (which seeks that alterations or extensions to listed buildings are appropriate where the essential character of the building is retained, remains intact and unimpaired, the works make use of traditional and/or sympathetic materials and techniques, and architectural details match or are in keeping with the listed building, and that the works meet Saved Policy GD2); Saved Policy GD2 of the LP (which amongst a number of design criteria, seeks development that is appropriate to the character of the site and its surroundings); and BE1 of the Tynedale Core Strategy (where Section (a) seeks that development conserves and where appropriate, enhances the quality and integrity of the built environment and its historic value).
17. I note comments from the Council that they believe that the harm to be 'substantial.' However, as mentioned in the National Planning Practice Guide⁵ this is a considerably high test which I am not convinced has been breached on this occasion. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
18. Supporting information accompanying the appeals suggest that benefits of the scheme include: the optimal viable re-use of the building to a twenty-first century standard which would allow the preservation and use of the buildings; the protection of the bat roost; the demolition of a later twentieth century extension; the provision of a further two family dwellings which would make a

⁵ Paragraph: 018 Reference ID: 18a-018-20190723, Revision date: 23/07/2019

modest contribution to meeting housing need and support the limited facilities of the village and the school; as well as result in short term employment opportunities in the refurbishment of the dwellings and construction of the extension; and the contribution to local expenditure from future occupiers. These factors weigh in favour of the development.

19. I also note reference from the appellant that paragraph 79 of the Framework is considered to be a relevant benefit because the scheme results in the conversion of existing buildings, improvements to the immediate setting and the securing of a heritage asset. I note that this paragraph is only applicable to 'isolated homes in the countryside,' and given relevant caselaw⁶ and that the appeal site is attached to an urban area, I am not of the opinion that the appeal site is 'isolated.' As such, this paragraph of the Framework is not applicable to the appeal scheme.
20. That said, I am not convinced that the specified works are necessarily the only options available with more sympathetic methodologies employed to the refurbishment which preserve the breathability of the building and alterations which are more sympathetic and would not result in the amount of loss of historic fabric would achieve the same benefits as described by the appellant. Protection measures for the bat roost are also able to be undertaken without the alterations suggested.
21. Overall, I find that the public benefits arising from the proposed development would not outweigh the harm I have identified and to which I accord considerable importance and weight. The scheme conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Other Matters

22. The Appellant has expressed dissatisfaction with the way in which the Council handled the pre-application process and the planning/listed building applications. The appellant commented that the information required by the Council was unnecessary and disproportionate to the scheme, such as the requests for a structural engineer's report confirming the buildings are suitable for conversion. I do not share the same view as the appellant as in many applications where the conversion of a historic barn is involved, a structural engineer's report is a very useful (and sometimes necessary) tool for understanding the impact from the conversion. Such matters can include detailing whether any additional repairs or structural issues are identified and are required which may trigger further LBC, and the provision of assurances as to the structural stability of the historic fabric which will typically go beyond the detail provided in a Building Surveyor's report.
23. Whilst I acknowledge examples given by the appellant of other applications⁷ where a structural survey was not requested by the Council, I am not convinced that these examples are analogous to the appeal site where the structural integrity of a building is a very site specific matter. It will be up to the planning authority with reference to relevant guidance to make a decision

⁶ Braintree District Council v Secretary of State for Communities and Local Government and others [(2017) EWHC 2743]

⁷ West Utham, 18/00547/LBC (Cowbyers), 18/00530/LBC (Bonas Hill Ogle), 18/00209/LBC (Brinkburn), 17/03489/LBC (Dilston), 16/04685/LBC (Woodhead)

on the level of information they require. I have seen no evidence to indicate that the Council has not failed to properly evaluate the applications or consider the merits of the scheme.

24. I also note comments from the appellant's Statement of Case and further comments where there is disagreement on the significance of the building. The appellant considers that *'it is important to note that those items of significant importance are the ones which are identified in the listing.'* However, in the case of older list descriptions such as for the appeal site, the list description is purely to identify the building, not define what is significant in terms of the heritage values present.
25. I further note the appellant's comments with regards to the Council approving schemes for publicly-owned listed buildings⁸ despite the feelings by the appellant that there were no public benefits. I have not been supplied with information as to how these applications are analogous to the appeal site. However, I have based my decision on the information and evidence available.
26. I acknowledge the submitted appeal decisions for Slate House⁹ where the conversion of a curtilage listed barn and a link to the main dwelling was allowed and a number of conditions imposed regarding materials and methodologies. Stocksfield Hall¹⁰ is also referenced where alterations internally were allowed, albeit no details are given. A listed building will have different elements of significance which are specific to the building and alterations to one building may not be equally acceptable to another building. In both of these cases the works were considered acceptable towards the significance of the heritage assets and could be adequately addressed by conditions. In the current appeals, the conversion of a number of inter-related listed buildings are being considered where there are proposals such as the alterations to the roof and loss of historic fabric which are not capable of being resolved by the imposition of conditions. As such neither the Slate House appeal decision nor the Stocksfield Hall decision are analogous to the present appeals.
27. I refer to information regarding two further applications¹¹ that were approved by the Council. The appellant considers that a precedent has been set by these approvals which is applicable to the current appeals. A considerable time of four and five years has passed since the approval of these applications, and I am not convinced these two decisions (one of which was retrospective) demonstrate that the Council has been inconsistent in their approach of approving or assessing applications concerning listed buildings. I have seen no evidence to indicate that the Council has failed to properly evaluate the present applications or consider the merits of the scheme, where it had reasonable concerns about the impact of the proposed works and development.
28. I note discussion on the level of importance of the bat roost which is present on site, with discussion revolving around the level of significance of the roost. As the application was not refused on the basis of ecological considerations concerning the bat roost, I have not found it appropriate to assess this issue.
29. I also acknowledge discussion and Freedom of Information Requests and concern expressed by the appellant as to the information needed to satisfy the

⁸ Hadrian House, Prospect House and Old Grammar School

⁹ APP/P2935/Y/15/3130844 & APP/P2935/W/15/3130845

¹⁰ Northumberland Council Planning Ref: T/940345

¹¹ South Cottage Broomley (15/00392/FUL, 15/00393/LBC), Butlers Cottage (12/03558/LBC)

Public Protection team with regards to any potential contamination of the site or coal workings. As the application was not refused on the basis of land contamination or impacts due to coal mining, I have not found it appropriate to comment on this issue.

30. I agree with the appellant that the Committee Minutes do claim that the later alterations and new dwellings at Riding Grange would not have been a consideration in 2000 as to the harm caused to the listed building or its setting as the NPPF or the LP was not in place. This is an incorrect statement to make given that the consideration of the significance of a listed building including its setting is part of the PLBCA which has been a requirement since the 1990s. However, I do not believe these comments were central to the discussion on the appropriateness of the scheme which the appellant believes to have resulted in the misleading of Councillors. The scheme was refused due to the lack of information provided and the justification for the changes which were considered to cause harm to the significance of the listed building.

Conclusion – both appeals

31. In conclusion, on the basis of what I saw on my site visit and the evidence before me, the proposals would cause less than substantial harm to the architectural and historic interest of the Grade II listed buildings, and would not preserve the features of special architectural or historic interest which they possess and to which S66 of the PLBCA requires special regard to be paid. The benefits put forward for the proposal would not outweigh the harm caused.
32. For the reasons given above, both of the appeals are dismissed.

J Somers

INSPECTOR