



Appeal Decision

Site visit made on 24 June 2020

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/A4710/W/20/3246731

Scausby Hall, School Lane, Bradshaw HX2 9UR

- 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 L Eha against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01176/FUL, dated 19 September 2018, was refused by notice dated 6 December 2019.
 - The development proposed is two detached dwellings.
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Decision

1. The appeal is dismissed.

Main issue

2. Whether the proposal would preserve the setting of a Grade II listed building (Scausby Hall).

Reasons

3. The site is located in the rear/side garden of the Grade II Listed Scausby Hall. The building dates from 1749 and is a two storey stone house with eaves and end gables with a stone roof. The proposed development site is a significant part of the garden and land to the rear and side of the house. It is laid to lawn and rough grass, with the remains of an outbuilding within the site, abutting the open countryside beyond.
4. Dealing briefly with the outbuilding, the Council states that historic maps of 1894 show an element of building in this location, and reached the conclusion that the outbuilding forms part of the wider part of the listed building. I have no reason to disagree. However no application for consent to demolish this building is before me.
5. The Hall is part of a small group of dwellings along the unmetalled track known as School Lane. To the west and southwest of the site are open fields, with a mix of modern and older properties on the opposite (east) side of the Lane and immediately to the north. Neither party has provided historical detail about the Hall and immediate area, but it is reasonable to assume that when it was constructed there was less built form in the vicinity and the Hall would have enjoyed an open landscape setting.

6. The proposal is for two detached bungalows with a driveway running off the Lane and past the side of the house. Both in terms of the proximity of the site to the Hall and its current use as a garden, the appeal site is clearly within the setting of the listed building.
7. As advised by Historic England¹, where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from the significance of the asset. The advice notes that negative change could include severing the last link between an asset and its original setting.
8. Although I do not criticise the individual decisions, the original setting of Scausby Hall has been eroded over the years and particularly more recently by development around the asset. The appeal site is one of the last areas of the grounds to remain. Development here would fundamentally alter the character and setting of the site and would sever the last link of the Hall with its former open setting. The development would visually compete with the appreciation of the asset from both the open countryside and the Lane.
9. I recognise that, as stated by the appellant, the main aspect of the house does not overlook the appeal site. However the significance of the asset is not only defined in relation to its main aspect.
10. The proposal would therefore result in a negative impact on the listed building and would fail to preserve its special architectural and historic interest, as sought by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the National Planning Policy Framework (the Framework) I consider that the harm caused to the significance of the asset would be less than substantial in the language of the Framework. I note that the Council state that the proposal would cause substantial harm to the asset. However I differ from the authority in that respect, as substantial harm is a high test which does not arise in many cases. However, regardless of the level of harm, great weight must be given to the harm in line with statute and national policy.
11. I now turn to weigh that harm against the public benefits of the proposal. The main public benefit arising from the development is the provision of two units of housing in a sustainable location. I recognise that even the construction of two dwellings could make a contribution to this deficit. However this, along with any very limited social or economic benefit, falls far short of justifying the harm to the heritage asset.
12. I am conscious of the other development which has been allowed in the vicinity. However the unifying factor common to all the new build schemes² is that in each case the effect on the setting of the heritage asset was considered in the light of the relative location of the proposed development and the Hall. In each instance this was not found to be a matter which led to harm such that

¹ Setting of Heritage Assets

² APP/A4710/A/13/2191047

² APP/A4710/A/11/2147983

² APP/A4710/W/15/3011920

² 17/00008/RES

² 17/00051/FUL

the proposal was refused. Nor were any of these proposals located in the rear garden of the Hall. These decisions, doubtless taken on their own merits, add little to the specific considerations in this case.

13. With that in mind I find that there would be insufficient public benefit to offset the identified harm to the heritage asset or outweigh the special regard to be had to its preservation under the Act. The development would thus fail to accord with the Framework which gives great weight to heritage assets, and seeks to conserve assets in a manner appropriate to their significance. It would conflict with saved policy BE1 (general design criteria) and particularly with BE15 (setting of Listed Buildings) of the Replacement Calderdale Unitary Development Plan 2006 (as amended)

Other matters and conclusion

14. The Council cannot demonstrate a five year supply of deliverable housing sites and the shortfall is considerable. However the application of heritage policies in the Framework provides a clear reason for refusing the development.
15. None of the above matters, even taken together, come close to justifying the harm to the heritage asset and the conflict with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector