



Appeal Decision

Site visit made on 24 July 2020

by Anthony J Wharton BArch RIBA RIASI

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

Decision date: 4 August 2020

Appeal Ref: APP/P2935/F/19/3242378

Church View, Slaley, Hexham NE47 0AD

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Steven Best against a listed building enforcement notice (LBEN) issued by Northumberland County Council (the LPA).
 - The enforcement notice, numbered 18/01524/LISTED, was issued on 13 October 2019.
 - The contravention of listed building control alleged in the notice is: *without listed building consent Solar Panels have been installed to the South face of the converted garage roof of the building ('the works')*.
 - The requirements of the notice are as follows:
 1. *Remove the Solar Panels which are situated on the south face of the converted garage roof of the building.*
 2. *Reinstate the roof of the garage to its former state using matching materials.*
 - The period for compliance with the requirements is three months.
 - The appeal is made on grounds (b) and (e) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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Decision

1. The appeal is dismissed. See formal decision below.

Background information and relevant policy

The appeal property

2. The appeal property is located in the middle of Slaley, a linear settlement to the south-west of Hexham. There is a large front garden and the building is set well back from the long east-west thoroughfare of the village, directly opposite St Mary's Church. It was constructed in the C17 and is stated to have been remodelled in 1769 by Thomas Teesdale. It was listed in Grade II in 1986. The main house is constructed from squared stone, with three bays and a stone slate roof. A substantial off-shoot of the main house dominates the rear elevation of this part of the property. However, from the small Paddock to the south, the whole of the 'listed building' is perceived as one entity along with another small detached stone outbuilding. There are residential buildings to the east and west and open countryside to the south.

3. The part of the listed building which is the subject of this appeal, is the large stone former outbuilding to the east of the main house, with stone-framed openings and two segmental stone arches. This has been converted to residential use and its construction suggests that it was formerly in agricultural use. The roof of this part of the building is constructed from Welsh slate, which contrasts with the appearance of the stone roof to the main house. Despite the differences in roofing materials, these two parts of the property are clearly seen as one, from both front and rear views.

4. The 12 No black-edged and framed Solar Panels (the PV array) have been installed centrally on the rear, slated, south elevation of this part of the listed building. An aluminium frame connects the PV array to the slated roof. This part of the building is deemed listed by virtue of Section 1(5)(b) Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA). Thus, the whole of the appellant's property is listed in Grade II.

The unauthorised works and the planning history

5. The Solar Panels were installed without Listed Building Consent (LBC), sometime prior to November 2015. On 8 November 2015 the appellant submitted a LBC application (15/03878/LBC) for the Solar Panels which were described in the application as the '*installation of PV cells to south face of roof of converted garage*'. In February 2016 the Council Officer had noted that the works had already been carried out and the LBC application was dealt with retrospectively.

6. The application was refused by notice dated 23 March 2016. The appellant appealed the decision and the appeal (APP/P2035/Y/16/3152407) was dismissed on 8 November 2016. The Solar Panels remained in place and the LPA considered it expedient to take listed building enforcement action. As indicated above the LBEN (18/01524/LISTED) was subsequently issued on 30 October 2019 and appealed on 2 December 2019.

Relevant Policy, Guidance and Statutory Duty

7. The relevant development plan policies (Saved policies of the Tynedale Local Plan) are GD2 (Development) and BE21 (Alterations and extensions to Listed Buildings). Policy 33 (Historic environment) of the emerging Northumberland Core Strategy is also relevant but cannot carry the weight of the above policies. Section 16 (formerly Section 12) of the National Planning Policy Framework (NPPF) is the national policy guidance relating to the conservation and enhancement of the historic heritage. The relevant development plan policies accord with the national policies and guidance including Planning Policy Guidance (PPG), which I have taken into account in reaching my decision. Because the two parts of the appellant's property constitute a building listed in Grade II, in considering whether LBC ought to be granted, I have had special regard to the requirements of Section 16(2) of the PLBCAA.

The appeal on ground (b)

The gist of the case for the appellant

8. In support of this ground of appeal, references are made to paragraphs 13, 14 and 15 of the previous Inspector's decision and to the letter and LBEN issued by the Council. In particular it is argued that what is alleged has not occurred, on the basis that the Inspector found that the installation had not led to any direct impact on original fabric and also that he concluded '*the harm to be less than substantial*'. It is argued, therefore, that in referring (in the reasons for issuing the notice) to any '*impact directly upon the historic fabric*' the Council cannot be correct; that no direct impact has occurred and that the appeal should succeed on this ground.

9. With regard to any public benefits emanating from the works it is stated that by its very nature there must be public benefit from the installation of the Solar Panels through micro-generation and the unquestionable benefit to climate change. This is stated to be acknowledged in the previous decision. However, it is argued that the Inspector's conclusion to the proposal making just a small contribution to meeting national renewable energy targets is incorrect. A screen shot is submitted showing

the performance of the works and this indicates a significant benefit to the public, taking into account the 25 year lifetime of the installation.

The gist of the case for the Council

10. The Council stresses that it is evident that that has been a breach of control and that the Solar Panels have been installed as alleged in the LBEN, on the south facing slope of the converted barn building. It is also stressed that this forms part of the listed building by virtue of the fact that it is connected to the main building and has been attached since before 1948. It is contended that the breach has occurred as a matter of fact; that there is no LBC in place for the works and that the appeal must, therefore, fail on ground (b).

My assessment

11. The appellant's arguments on this ground of appeal are misconceived. In a ground (b) appeal the merits of a case do not fall to be considered. The only question to be asked is whether or not what is alleged in the LBEN at Section 4 (BREACH OF LISTED BUILDING CONTROL) has occurred, as a matter of fact. This is stated to be that '*Without listed building consent Solar Panels have been installed to the South face of the converted garage roof of the building ('the works')*'. Therefore the works as alleged must have either been carried out or have not been carried out.

12. This ground is directly comparable to a ground (b) appeal against a planning enforcement notice under Section 174(2)(b) of the principal Act. If the works referred to in the LBEN have actually taken place then, irrespective of any other circumstances, and whether or not any harm has been caused, this ground cannot succeed.

13. There is no dispute that the Solar Panel array has been fixed to the roof of the listed outbuilding. The planning history is clear and I saw the installation as carried out during my site visit. Under this ground the question of any effects of the works (whether harmful or not) do not fall to be considered. These are all matters relating to an appeal on ground (e). I can only conclude that what is alleged in Section 4 of the LBEN has occurred, as a matter of fact, and the appeal must fail on ground (b).

14. However, in considering the appellant's appeal on ground (e), I have taken into account all of the misplaced 'merits arguments' which have been set out in relation to the appeal on ground (b). I now turn to the appeal on ground (e) and whether or not LBC should be granted for the unauthorised works carried out.

The appeal on ground (e)

The gist of the case for the appellant

15. In support of the case for a granting of LBC, the appellant's evidence is set out under 5 headings; *Precedence for Solar Panels on Grade II listed properties*; *Historic England Guidance*; *Northumberland County Council (NCC) Climate Crisis and Climate Emergency Action Plan (NCC CCCEAP)*; *Northumberland Local Plan–Publication Draft (January 2019), Climate change mitigation and adaption (NLPPD CCMA)*; *The National Planning Policy Framework (NPPF)* and *Channel 4 climate crisis policies (C4CCP)*.

16. On the first point reference is made to the 'You Gen' website and the fact that there are 'countless' examples of Solar Panel installations on listed buildings including '*376 buildings belonging to the Church of England*'. It is stressed that PV installations can be permissible on listed buildings and it is accepted that this is approved on a case-by-case basis. It is considered that the array of examples across the country proves that one can live in an eco-friendly house with Solar Panels whilst still maintaining the value of Grade II properties such as Church View.

17. It is contended that the works carried out fully comply with Historic England's (HE) advisory policy on '*minimum intervention and reversibility*' and that, in the light of the '*climate crisis*', the Council ought to consider the works favourably and grant LBC for the retention of the PV array. An example allowed by Warwickshire Council is referred to in detail. This is stated to also to be retrospective; the panels were installed on a rear roof slope; the works did not significantly adversely affect the appearance of the area or harm the building and offered public benefits.

18. It is acknowledged that there are differences between this application and the one at Church View. In that case there was an objection to the works. In contrast it is stressed that there has been nothing but support for the these works and it should be noted that the Parish Council has not objected.

19. In the Warwickshire case the lack of symmetry affected the appearance. In this case the works have been specifically designed to be symmetrical and sympathetic to the overall setting of the listed building. This reinforces the point relating to '*minimum intervention*'. The Warwickshire case is a significant precedent and is the basis upon which these works at Church View should be considered.

20. With regard to HE Guidance it is contended that consideration must be given to the most recent edition of '*Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics)*'. In relation to the HE detailed advice (and as indicated in the table set out by the appellant), it is stressed that the works as installed are:

- entirely reversible;
- that there has been no damage caused to the historic fabric;
- that the panels have been carefully designed to ensure minimal visual impact;
- that replacement Welsh Slates are available;
- that the works are to the rear and not visible;
- that the installation has been made to the converted secondary building;
- that any harm to the setting of the building is minimal;
- that the works are orientated on an ideal axis ideal for gain of solar radiation;

21. It is accepted that the aluminium sub-frame is visible in part but it is stated that this could be painted to match the colour of the slate roof.

22. It is stressed that the NPPF indicates that the LPA is required to give weight to relevant policies in emerging plans. The Council's recent recognition of the climate change crisis it faces and the CCCEAP means that LBC ought to be granted in this case. This is reinforced by NCC outlining bold commitments in 2019 to make the County greener and cleaner; to ensure a reduction of greenhouse gas emissions and to halve its carbon footprint by 2025.

23. References to climate control matters by Councillors are considered to reinforce NCC's aims. Furthermore the setting up of a Climate Change Commission (CCC) emphasises the fact that it is necessary for the Council to promote and facilitate wider behavioural change so that the whole community can work together on finding solutions that work for Northumberland. It is contended that the works have resulted in the appellant meeting individual obligations in the interest of the community.

24. With reference to the Council's document '*Responding to Climate Change, A statement of intent June 2019*', which outlines means for promoting sustainable development, it is agreed that developments should be required to mitigate climate change. It is argued that the works as carried out do just that and meet the key outcomes and general philosophy of the plan.

25. In the same way, section 4.47 of the NLPPD is considered to be relevant with regard to the Council's duties relating to climate change. Policy STP4 in particular is referred to which requires proposals to reduce energy consumption; to incorporate decentralised, renewable and low carbon energy and to include the use of existing buildings and materials. The works as carried out meet all of these criteria.

26. With regard to the NPPF policies, paragraphs 131 (innovative designs and sustainability); 196 (less than substantial harm and public benefit); 192 (putting assets to viable use and considering positive contributions of such assets) and 193 (significance of heritage assets and weight to be given to conservation) are referred to in support of the retention of the works.

27. It is contended that benefit is significant in the context of the NCC Emergency Plan and that if such installations (visually unobtrusive and beneficial) are not permitted, it has the potential of rendering similar properties uneconomic, undesirable and in the long term obsolete. It is argued, therefore that this approach could ultimately prove counter-productive to the intent of conserving heritage assets.

28. In referring to the C4CC policies, multiple quotations from political leaders; the C4 presenter and leading climate scientists are quoted. It is stressed that the participants all referred to the issues and urgency in terms of ensuring that climate change is tackled in a positive and thorough manner both in political, practical and personal terms. The point was emphasised that *'each and every person needs to do something by way of making their contribution, no matter how small'*. This is consistent with the NCC approach.

29. The quotations, comments and statements are considered to be relevant to this appeal and set out not only the political but the moral background to the works carried out at Church View. It is contended that the works should be considered as a real and significant contribution to the current climate change crisis and should, therefore be viewed favourably and given sufficient magnitude of weighting in terms of the public benefits provided.

30. In response to the Council's statement it is refuted that the works only benefit the occupants of Church View. It is stated that there is clear and irrefutable evidence that the solar panels provide a wider public benefit, particularly when considered over their expected lifetime. The public benefit was acknowledged by the previous Inspector. The Council's stance that the solar panels have affected the historic fabric and have been detrimental to the building's significance, historic character and appearance are not accepted for the reasons already covered. It is considered that the works are significantly less detrimental to other works allowed by NCC in Slaley (for example works at Slaley House and Stanegarth).

31. The Council's findings on ground (e), that substantial harm has been caused to the significance of the listed building and that the proposal impacts on the historic fabric, are not accepted. Both of these points are contrary to both the evidence provided and the conclusions of the previous Inspector. Furthermore, the Council has made no reference to the submissions regarding the climate change crisis, or to their Emergency Plan. The works as carried out fall into one of the Council's key areas relating to climate change; namely the *'Energy Generation'* category.

32. In summary the tangible contribution to public health that the solar panels offer must, therefore be acknowledged to outweigh any perceived harm to the significance of the listed building. It is considered that the Council's commitment and encouragement, relating to the climate change crisis should extend to the granting of

consent for the retention of these works, thereby contributing to the CCCEAP and helping to reduce greenhouse gases within the County.

The gist of the case for the Council

33. In its appeal statement the Council argues that the Solar Panels on the roof of the outbuilding have led to substantial harm being caused to the significance of the Grade II Listed Building and that this harm is not outweighed by any public benefit. It is contended that the panels impact directly upon the historic fabric and, as such, are detrimental to the Building's significance, historic character and appearance.

34. It is considered, therefore, that the works are contrary to NPPF policies; to the Tynedale Local Plan Policies GD2 and BE21 and to Policy 33 of the emerging Northumberland Pre-Submission Core Strategy (October 2015). The Council considers that it was expedient to issue this notice having regard to the effect of the works on the character of the building as one of special architectural or historic interest. The Council does not consider that listed building consent should be granted for the unauthorised works, because they adversely affect the significance of the building and conditions could not overcome these objections.

35. The Council refers to the Planning refusal decision dated 23/3/2016 under reference 15/03878/LBC and to the Officer's Delegated Report dated 23.3.2016. It is considered that the application does not demonstrate any compelling public benefit. It is argued that only the occupiers of Church View benefit from the installation.

My assessment

Introduction

36. The Council has not responded to the appellant's detailed submissions regarding climate change, sustainability, their own CCCEAP and the contention that the related public benefits outweigh any identified harm. The previous Inspector concluded that the harm caused by the works was '*less than substantial*' and I agree with his conclusion (see below). In reaching my decision I have taken into account all of the arguments put forward by the appellant and in particular I have considered whether any identified harm to the listed building is outweighed by the climate/sustainability related public benefits of the Solar Panels so as to justify a granting of consent.

37. Before considering the main issues relating to any harm and the public benefits of these works, it is necessary to be clear about what '*less than substantial harm*' means with regard to the NPPF policies and the findings of the courts.

38. The NPPF recognises three categories of harm: '*substantial harm; less than substantial harm and no harm*'. There are no other grades or categories of harm and it is clear that, within the first two categories, there can be a wide ranging level of harm, from harm recognised as being significant to minimal harm. In terms of identifying such harm a decision-maker needs to make a judgement based upon the facts and merits of each case. It is a matter of planning judgement as to the point at which a particular degree of harm moves from '*substantial*' to '*less than substantial*'. Similarly it is a matter of planning judgement as to the level of harm caused where the harm has been identified as '*less than substantial*'.

39. In terms of total demolition or loss of a significant part of a listed building the harm caused would clearly be '*substantial harm*'. The NPPF is clear that such harm to Grade II listed buildings should be exceptional. However, as referred to above, '*less than substantial harm*' can be quite wide-ranging. Minor works such as the installation of satellite dishes or even burglar alarms could cause such harm. So too could the installation of UPVC components or an extension built of inappropriate materials. Thus,

there are various levels of harm which fall into this category and the courts have held that even limited or negligible harm is enough to fall into the bracket of '*less than substantial harm*'. I now turn to the specific effects of these works.

The main issues

40. I consider that the main issues in this appeal are as follows:

- The effect of the works on the character and integrity of the listed building,
- The effect on its setting within this part of the settlement,
- The effect on its features of special architectural and historic interest, and
- Whether the other material considerations and particularly the public benefits of the works outweigh any identified harm.

Effect on the character and integrity of the listed building

41. The previous Inspector found that the special architectural and historic interest of the listed building, was primarily associated with its vernacular design and the materials of the main house and adjoining outbuilding. I agree with those findings.

42. The stone structure, the general construction detailing and the stone roof slates of the main house are typical of vernacular farm buildings, of this age, in this part of Northumberland. Although the slated roof of the outbuilding is a later addition, it is still architecturally and historically typical in terms of its construction and Welsh slate is a traditional roof finish in the area. In my view the constructional detailing of the outbuilding, with its stone surrounds to windows, its segmental arched openings and its stone quoins has resulted in a building of equal historic and architectural significance as the main house.

43. Overall, therefore, despite the age, materials and colour differences in roofing coverings, the two parts of the listed building are perceived as an attractive joint composition of traditional built form. Despite some modern consented works, the overall vernacular character, composition and integrity of the listed property has been retained by other architecturally and historically sympathetic and appropriate works relating to window and door openings.

44. However, in my view, the addition of the PV array to the slate roof of the outbuilding has detracted markedly from the character and integrity of the overall composition. Despite having a degree of visual consistency with the slates (as noted by the previous Inspector), the stark, modern materials of the panels, with their highly reflective, shiny gloss surface, contrast most negatively with the matt appearance of the underlying Welsh slates. The painting of the aluminium frame would do little, if anything to mitigate the overall dominating and modern visual effect of the works.

45. I consider that the panels are perceived as an alien addition to the roofscape. Not only do they detract from the character of the slate roof, they also look out of character when seen against the traditional colouring of the main stone slated roof and most of the other constructional details of the two parts to the listed building. I share the previous Inspector's concerns about the '*highly incongruent, alien appearance*', when the full visual extent of the rear elevation is considered. I also agree that this is partly because the whole of the rear elevation is dominated by the extended roof slope of the main house. The fact that the installation is on a rear roof slope and can only be seen from limited viewpoints, cannot, in my view, be sufficient mitigation to justify the effects of the works.

46. In summary on this first issue, I find that the starkly alien and out of character form and modern materials of the array have significantly eroded the harmonious use

of historic materials and the typically vernacular construction of the listed building. As such they have noticeably and detrimentally affected the architectural and historical character and integrity of the listed building.

47. Again, as referred to by the previous Inspector, all listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained. In my judgement, in terms of the effect on character and integrity of the listed building, the level of '*less than substantial harm*' caused, is high. This is because of the completely out of character and non-vernacular characteristics of the array, when seen against the traditional detailing and materials of the listed building.

48. Turning to the second issue and the impact on the setting of the listed building I acknowledge that views of the rear of the property are extremely limited. The listed building is obviously more publicly noticeable from the front where it lies opposite the church and in a central location.

49. Nevertheless, any effect of works on the setting of a listed building must be assessed in relation to its overall context. When seen in the round, I consider that the installation does detract from the setting of the listed building. Although the harm caused is not as high (in the hierarchy of what constitutes '*less than substantial harm*') as that caused by the impact on character and integrity, I find that the PV array has resulted in a negative, rather than a neutral or positive effect on the setting of the listed building.

Effect on the features or architectural and historic interest

50. The works have not physically damaged the historic fabric of the roof structure to the building, even though the aluminium frame has had to be connected to the slated roof. In this respect, therefore, I accept that the effect of the works have not resulted in physical harm or damage to this particular part of the listed building.

51. However, that is not to say that no harm has been caused to the architectural and historic features of the building. As referred to above the main historic and architectural significance of the building lies in its vernacular design, its use of traditional materials and its design features and constructional detailing. The alien nature of the PV array works has contrasted negatively with these other positive features and in my view these features of architectural and historic interest have been visually harmed by the introduction of such a modern and stark installation.

52. This harm is directly linked to that referred to above under the first issue. In my view, it compounds the negative effect on the overall character and integrity of the building due to the PV array contrasting visually with the other vernacular features, including the different roofing materials; the stone detailing; the window openings and the historic setting of the building. Thus, despite the fact that the works have not '*led to any direct impact on the original fabric*', namely its roof, the works have caused visual harm to the character and appearance of the main special architectural and historic features of the listed building.

Overall conclusion on the effects of the works

53. Having identified the harm above, I agree with the previous Inspector that the installation has failed to preserve the special interest of the listed building and consequently give this harm considerable importance and weight. The NPPF advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to

advise that significance can be harmed or lost through the alteration or destruction of those assets.

54. In this case I have found that the alterations to the listed building have resulted in harm through alteration of the slated roof by the installation of the Solar Panels. Because the physical harm has not resulted in any direct physical impact on the fabric, I agree with the previous Inspector that in terms of the NPPF, the harm caused has been '*less than substantial*' (see above). Nevertheless it is harm that has affected the character and integrity of the building and the character of its traditional architectural and historic features of interest. To a lesser extent it has also harmed the setting of the building.

55. Having identified that the harm is '*less than substantial*', I now turn to paragraph 196 of the NPPF which requires such harm to be weighed against the public benefits of the works including, where appropriate, securing its optimum viable use. Clearly the continued viable use of the listed building as a residential dwelling is not dependent on the works being retained. There is nothing to suggest that the residential use would cease in the absence of the PV array on the slated roof. I now turn to the final issue.

Whether any public benefits of the works outweigh the identified harm

56. I have agreed with the previous Inspector that the harm caused by the works amounts to being '*less than substantial*'. As indicated above, the Council has not commented on the considerable climate change and sustainability evidence put forward in support of the appellant's case. Furthermore the Council is of the view that the works have led to '*substantial harm*' being caused to the significance of the Grade II listed building, as opposed to '*less than substantial*' harm and that this harm is not outweighed by any public benefit. I disagree with the Council's conclusion on harm. It is not '*substantial*', it is '*less than substantial*'.

57. It is clear from his decision that the previous Inspector accepted that the works had some, '*albeit small*', public benefits in terms of the environment and renewable energy. He indicated that this was '*apparent from the undisputed evidence on the pattern of energy usage at the property*'. However, he reached the conclusion that the '*magnitude of the benefit*' did not outweigh the '*less than substantial*' harm.

58. I acknowledge that there are numerous cases whereby Solar Panels have been installed on listed buildings and that such works can, as a matter of principle, be appropriate and permissible. I also accept that some installations can still maintain the value and integrity of listed buildings, without detrimentally affecting their significance as buildings of architectural and historic interest. I have noted the details of the Warwickshire case and accept that there are some similarities with this case. However, I do not accept that it can be a precedent, or the basis upon which the appeal works should be considered. Each case must be assessed on its merits and the full details of that case are not before me.

59. The appellant accepts that such works must be assessed on a case-by-case basis. All of the material considerations need to be considered and generally, any advantages of a scheme must be assessed against any disadvantages in order to reach a balanced planning judgement. In this case the disadvantages, or causes of harm, have been identified and thus all of the public benefits need to be assessed.

60. With regard to the '*minimum intervention and reversibility*' arguments and the HE advisory policy, I accept the historic roof of the outbuilding has not been physically harmed. However, in visual terms I do not accept that an array of this size, positioned on the Welsh slate roof, can be described as being minimally interventionist. In essence it is its overall size, its inappropriate materials and the subsequent visual

appearance that results in harm to character and integrity; to the other architectural and historic features and, albeit to a lesser extent, to the setting of the listed building. Moreover, whilst being easily reversible, the retention of the works would result in continued harm for up to 25 years.

61. With regard to HE Guidance, *'Energy Efficiency and Historic Buildings Solar Electric (Photovoltaics)'*, I do not consider that the installation ensures *'minimal visual impact'* or that just because it is on the rear roof slope it is *'not visible'*. Furthermore although the outbuilding is referred to as being *'secondary'*, I have found it be equally as important as the main house in terms of its listing and significance. I have also found that the painting of the aluminium would have little effect in mitigating the overall appearance of the Solar Panels.

62. I find all of the arguments relating to the climate change crisis; to NCCs recognition of this; to the CCCEAP and NCC's commitments in 2019 to make the County greener and cleaner and the C4CC references to be convincing and generally unarguable in the context of general planning policies. However, all of these climate change and sustainability policies, both national and local, need to be balanced against policies which aim to conserve and enhance our heritage assets.

63. Admittedly, the Council has not given a detailed response to the appellant's climate change arguments and reference to their own policies on the subject, but it did reach a decision that the works carried out are harmful to the listed building and that LBC ought not to be granted. The previous Inspector reached the same conclusion. The setting up of a CCC by the Council, although emphasising the fact that it is necessary to promote and facilitate wider behavioural change, does not detract from the Council's needs, duties and consideration of policies which aim to conserve and enhance the historic environment.

64. Whilst there is clearly a need (set out in *'Responding to Climate Change, A statement of intent June 2019'*) for the Council to promote sustainable development that mitigates climate change, there is equally a need to ensure the protection of listed buildings. In terms of energy consumption and efficiency; the use of renewable and low carbon energy; the re-use of existing buildings and the quoted paragraphs (131, 196, 192 and 193) of the NPPF, it can be argued that the works carried out meet the relevant criteria and policies.

65. However, for the reasons set out above they also result in harm being caused to the listed building. I consider that the public benefits of solar powered and other renewable energy installations are significant in the context of the NCC Emergency Plan. I also accept that if such installations, which are visually unobtrusive and beneficial are not permitted, it has the potential of rendering similar properties uneconomic, undesirable and in the long term obsolete and, therefore, that this approach could ultimately prove counter-productive to the intent of conserving heritage assets.

66. But the problem in this case is that, in my view and that of the previous Inspector, the works carried out are *'visually obtrusive'*. I have concluded that the PV array is harmful to the listed building. Although finding that the harm is *'less than substantial'*, the works have detrimentally affected the character of the listed building, other features of special architectural and historic interest and to a lesser extent, the overall setting of the building.

67. I acknowledge that climate change must be tackled in a positive and thorough manner both in political, practical and personal terms and that *'each and every person needs to do something by way of making their contribution, no matter how small'*. I

also agree that in terms of energy generation alone the works could provide a meaningful contribution to the current climate change crisis. However, in making that contribution and in this instance, the alteration works have had a most negative visual impact on the listed building.

68. I sympathise with the appellant's predicament and thoroughly understand the commendable views relating to climate change and renewable energy. But I disagree with their view that the Council's commitment and encouragement, relating to the climate change crisis, should extend to the granting of consent for the retention of the works as carried out. Having balanced all of the other material considerations and having considered the public benefits of the installation, I do not consider that the identified harm to the listed building is outweighed so as to justify retention of the unauthorised works.

69. Considering the extent of the appellant's land, it may be possible to position a PV array on land away from the building within part of the paddock. Such a south-facing ground-fixed installation could provide all of the benefits referred to by the appellant without harming the listed building. However, this would also require a listed building consent application and would need to be assessed by the Council.

70. In conclusion I find the works as carried out to be contrary to policies GD2 (Development) and BE21 (Alterations and extensions to Listed Buildings) of the development plan and to policies within Section 16 of the NPPF) which seek to conserve and enhance the historic environment. Therefore, I do not consider that LBC should be granted for the retention of the works. The LPA refused consent, the previous Inspector dismissed the appellant's appeal and I have found that despite the considerable benefits referred to above, the harm to the listed building is such that the appeal should not succeed on ground (e).

Other Matters

71. The appellant still remains of the opinion that the historical significance of the different elements of the listed building, (with reference to the front and rear elevations), have been established by the permissions and consents previously granted by the LPA. Like the previous Inspector I accept that the Council's approach to the front and rear elevations has differed. However, I do not consider that this reduces the significance of the outbuilding and nor does it go towards the justification of the retention of the harmful installation on the rear roof of the outbuilding.

72. During my site visit I also saw the works carried out at Slaley House and Stanegarth and I have noted the appellant's comments in respect of these works which were granted consent by the Council. These examples of other consents, however, do not alter my conclusions that LBC ought not to be granted in this case. The Council clearly applied their planning judgement in both cases and clearly considered that, on balance the works did not harm the respective listed buildings, their settings or their special architectural and historic features.

73. In reaching my decision I have taken into account all of the other matters raised by the appellant, the Council and the interested person who supports the appellant's case for retention of the unauthorised works. These include the planning history; the initial submissions; the detailed statements; the photographic evidence and the appellants final comments and response to the Council's statement.

74. However, none of these matters alter my conclusions on the two grounds of appeal and nor is any other factor of such significance so as to change my decision.

Formal Decision

75. For the reasons set out above the appeal is dismissed and the listed building enforcement notice is upheld. Listed Building Consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation areas) Act 1990 as amended.

Anthony J Wharton

Inspector