



Appeal Decision

Site visit made on 9 September 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 02 October 2020

Appeal Ref: APP/E2734/F/19/3244035

Carr Side Farm, Newall Carr Road, Newall with Clifton, Otley LS21 2HD

- 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 George William and Mrs June Margaret Tate against a listed building enforcement notice issued by Harrogate Borough Council.
 - The enforcement notice was issued on 21 November 2019.
 - The contravention of listed building control alleged in the notice is (1) The demolition of a stone wall which existed between the farmhouse and the barn to the north, enclosing the access to the farm yard from the highway access and public right of way which runs to the west; (2) The erection of an arched metal railing and gate to the south-west corner of the farmhouse; (3) Installation of water tabling on both verges of the roof of the farmhouse and extensions; and (4) Construction of a small dwarf stone wall and stone patio to the front of the farmhouse.
 - The requirements of the notice are (1) Permanently remove the gate and the metal arch feature railing from the site which are located to the south west corner of the farmhouse; (2) Rebuild the stone wall and gate in the same location as it previously existed to the scheme as agreed in the Planning and Listed Building approvals as per the approved plans 18/02224/FUL and 19/00264/LB; (3) The water tabling on both roof verges of the farmhouse and extensions shall be removed and replaced with close verges as previously existed using matching materials; (4) Permanently demolish and remove the small dwarf perimeter wall, coping stones and patio hardstanding from the north west corner of the farmhouse; and (5) Replace patio and small dwarf perimeter wall area with a crushed rock surface.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(c) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The listed building enforcement notice is varied by the deletion of contraventions (1) and (4) in section 3 of the notice and requirements (2), (4) and (5) in section 5 of the notice.
2. The ground (e) appeal succeeds in part and listed building consent is granted for water tabling on both verges of the roof of the farmhouse and extensions at Carr Side Farm, Newall Carr Road, Newall with Clifton, Otley.
3. Subject to the partial success of the ground (e) appeal and the variations to the listed building enforcement notice, the appeal fails, the listed building enforcement notice is upheld and listed building consent is refused for the erection of an arched metal railing and gate to the south-west corner of the farmhouse at Carr Side Farm, Newall Carr Road, Newall with Clifton, Otley.

Reasons

The ground (c) appeal

4. The ground (c) appeal relates to contraventions (1), (2) and (4). The Council has accepted, with regard to contravention (1), that the works required to remedy the contravention have been completed. The notice can therefore, as suggested by the Council, be varied by the deletion of contravention (1), and the relevant requirement, without causing injustice to the Appellants.

5. With regard to contravention (4) the Council has accepted that details of the low wall and patio area have been provided in regard to determination of a previous application, and that the notice can be varied to delete contravention (4) and the relevant requirements. The notice has therefore been varied, without causing injustice to the Appellants, by the deletion of contravention (4) and the relevant requirements.

6. Planning application 16/04015/DISCON was submitted retrospectively to discharge condition 7 attached to planning permission 09/03211/FUL, which required the submission and approval of a landscaping scheme. Drawing no. CW034-D-001 Rev B submitted with the application identifies that 'Gates with arch to support climbing plants', the subject of contravention (2), were included in the scheme. The arched metal railing and gate was in place when the discharge of condition application was determined by the Council and it may be reasonable therefore to conclude that it benefits from planning permission. But there is nothing in evidence to indicate that the structure benefits from listed building consent so the ground (c) appeal fails with regard to contravention (2).

7. The ground (c) appeal succeeds with regard to contraventions (1) and (4) but fails with regard to contravention (2). The listed building enforcement notice has been varied accordingly.

The ground (e) appeal

8. The main issue in the ground (e) appeal, which relates to contravention (3), is the effect of the works on the character and significance of Carr Side Farm, a Grade II listed building. The Appellant has not made a ground (e) appeal in relation to contravention (2).

9. The farmhouse dates from the late 17th/early 18th century and is constructed in coursed gritstone under a graduated stone slate roof. In 2009 planning permission and listed building consent were granted for 'Renovation of building and outhouse, erection of two storey and single storey side extensions and attached garage, installation of gates and alterations of boundary walls, extension of boundary curtilage and formation of associated hard standing'. The two storey house has a rear single storey element, probably added in the 18th century, and the permitted two storey extension is attached to the west gable of the house and abuts a two storey block of the original house, and the permitted single storey extension and garage are attached to the east gable.

10. Implementation of the planning permission and listed building consent has resulted in the complete renovation of the previously dilapidated farmhouse. The works have been carried out sensitively and to a high standard. The property is in an upland exposed location that is likely to receive higher than average rainfall and that is likely to experience higher than average windspeeds. In such an area a building with a pitched slated roof is susceptible to strong winds lifting slates at the

edge of such a roof thus allowing rain driven by the wind to penetrate the building. This is a common problem for owners of traditional buildings in remote upland countryside areas. Water tabling, the introduction of flats stones at the verge of a pitched roof, prevents such occurrences and consequent water penetration.

11. Water tabling has been introduced, where none previously existed, on the verges of all roof planes of the farmhouse and its extensions. The use of water tabling on other buildings in the area is not conclusive because, particularly in the case of works to a building that is listed for its particular architectural and historic interest, such works must be considered on their merits.

12. Carr Side Farm has been extensively altered and extended, and its immediate surroundings have been landscaped, since it was listed, and the building is now a residential property rather than one connected with agriculture. These works have had a considerable effect on the character of the building. The water tabling that has been introduced has contributed to this change in character but, in the context of all the other works that have been carried out, their contribution to the change in character is negligible. Furthermore, the water tabling that has been introduced is a response to the weather that is experienced in this upland location where increases in rainfall, wind speed, and the frequency of severe weather events are the consequences of climate change that is affecting all areas of the UK.

13. The lack of kneeler stones to the water tabling is not crucial; the metal brackets that have been installed are suitable and neat alternatives that maintain the simple detailing of the building. The use of water tabling on single storey elements of the building is also not crucial because it maintains the consistency of detailing that existed prior to the works of extension and alteration.

14. The introduction of water tabling has had a negligible effect on the change in character of the listed building and has not contributed to any reduction in its significance. The ground (e) appeal, made only in relation to the water tabling, thus succeeds and listed building consent has been granted for water tabling on both verges of the roof of the farmhouse and extensions at Carr Side Farm, Newall Carr Road, Newell with Clifton, Otley.

John Braithwaite

Inspector