



Appeal Decision

Site visit made on 30 November 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Appeal Ref: APP/A2335/W/20/3257903

Half Way House, Cantsfield Road, Cantsfield LA6 3LB

- 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 Joe Brown (F.A. Brown and Son) against the decision of Lancaster City Council.
 - The application Ref 20/00196/FUL, dated 19 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is replacement agricultural building, following demolition of two stone barns.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement agricultural building, following demolition of two stone barns at Half Way House, Cantsfield Road, Cantsfield LA6 3LB in accordance with the terms of the application Ref 20/00196/FUL, dated 19 February 2020, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Procedural Matter

2. Since the determination of the original planning application and the submission of this appeal, the Council has adopted two new Development Plan Documents '*Part One: Strategic Policies and Land Allocations Development Plan Document*' and '*Part Two: Review of the Development Management Development Plan Document*' (DM DPD) both dated July 2020. Consequently, Policy DM33 of the previous version of the DM DPD dated December 2014 has now been replaced by Policy DM41 of the new DM DPD and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the architectural and historic significance of a non-designated heritage asset.

Reasons

4. The appeal site is located within an isolated farmstead adjacent to the A687 which is surrounded by agricultural land and open countryside. The proposal would replace a large old barn of a traditional design and an associated smaller building with a new agricultural building of a more contemporary design. This new replacement agricultural building would be used for housing calves. The large old barn is not listed but due to its architectural and historic significance it

is classed as a non-designated heritage asset (NDHA), something which is not disputed by the appellant.

5. As per the Bohm judgement¹, Paragraph 197 of the National Planning Policy Framework (the Framework) calls for the weighing of proposals that would affect a NDHA, in other words the consideration under that paragraph must be of the application as a whole. Therefore, in this case it would not merely be a weighing of the demolition of the asset but also of the construction of the new building. It then requires a balanced judgement to be made by the decision maker. The Framework does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter. There is also no requirement for a two-stage process by which the demolition part of a proposal has to be considered separately from the new development.
6. The architectural and historic significance of the building derives from the fact that it has been in place since approximately the mid-1840s until the present day with its traditional materials, features and built form contributing to this significance. Over that period of time the building has also been somewhat altered with a porch being added circa 1907 and a small brick lean-to side extension being added circa 1970. As a result of these additions, some of the traditional features that contribute to its architecturally historic significance such as the harr-hung doors with re-used timber lintels, have been somewhat diluted or obscured from view.
7. Furthermore, given the heritage asset's location it is not readily visible from many public vantage points apart from perhaps a vehicle travelling along the A687 road or a person walking on the limited amount of footpath there. Consequently, the architectural and historic significance of the building is limited. Accordingly, whilst the loss of the building would harm the heritage asset, given its limited architectural and historic significance this harm would not be significant. Therefore, whilst the building does have some limited architectural and historic significance this does not carry substantial weight in favour of its retention.
8. I acknowledge that the proposal could potentially be located elsewhere on the farmstead. However, based on the evidence before me, these locations would be likely to have highway safety implications, have an impact on the open landscape, potentially generate additional costs for the pumping of slurry, and lead to a net reduction in the amount of available productive land on the farm. Consequently, this factor does not weigh significantly against the proposal.
9. The proposed replacement building would provide much needed accommodation for young calves on the farm that would better meet livestock welfare standards set by the government thereby having a substantial positive economic benefit for the future of the agricultural business. In addition, it would also enable the farm to reduce its carbon footprint. Moreover, the proposal would also provide a further additional benefit in improving the visibility splays at the vehicular access onto the busy A687 particularly for any larger agricultural vehicles and machinery that would be using it. Consequently, and being mindful of paragraphs 83 and 84 of the Framework, I afford these benefits significant weight in favour of the proposal.

¹ Bohm v SSCLG (2017) EWHC 3217 (Admin)

10. I note that a similar proposal was refused planning permission on appeal (Ref APP/A2335/W/19/3230534). However, the NDHA in that case formed part of a village's historical character that was also located within an Area of Outstanding National Beauty (AONB) whereas the NDHA subject to this appeal does not. The proposal in that case was also for a dwelling to replace the NDHA which again is different to the scheme before me. As a result, I afford this appeal decision limited weight.
11. I also note that the City Council conservation officer objected to the proposal. However, from the evidence before me, the County Council conservation officer did not object, instead recommending that an appropriately worded condition be attached to any permission granted that would require the detailed recording of the historic and architectural significance of the asset prior to its demolition. In light of this, and in the context of my findings above, I am therefore satisfied that imposing such a condition would be sufficient to ensure that the architectural and historic significance of the NDHA is adequately recorded for posterity.
12. Accordingly, in the overall balance, I find that the benefits of the proposal would outweigh the harm to the heritage asset. I also consider that these benefits represent a clear and convincing justification for the loss of the NDHA. I therefore conclude that the proposal would not unacceptably harm the architectural and historical significance of a non-designated heritage asset and that consequently it would not conflict with Policy DM41 of the DM DPD or paragraph 197 of the Framework.

Conditions

13. I have undertaken some editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity and bearing in mind paragraph 55 of the Framework. In addition to the standard implementation condition relating to the time limit and a condition with regard to compliance with the approved plans to provide certainty, I have imposed conditions relating to the submission and approval of a written scheme of investigation and historic building recording, the submission of details of visibility splays, and that the development be carried out in accordance with approved protected species mitigation measures. These conditions are necessary and reasonable in the interests of, respectively, the historic environment, highway safety and biodiversity.

Conclusion

14. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Location Plan; Existing and Proposed Plans and Elevations Drawing no. ML/JB/5919.
- 3) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and:
 - i) the programme and methodology of site investigation and recording;
 - ii) a detailed descriptive record of the buildings;
 - iii) a full set of photographs of the buildings, inside and out, with a key plan showing the location and direction of all images;
 - iv) the programme for post investigation assessment;
 - v) the provision to be made for analysis of the site investigation and recording;
 - vi) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vii) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - viii) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

This investigating and recording work shall be carried out to level 2-3 as set out in "*Understanding Historic Buildings*" (Historic England 2016). A copy of the finalised record shall be submitted to the local planning authority and the Lancashire Historic Environment Record before the new agricultural building hereby approved is first brought into use.
- 4) No part of the development hereby permitted shall be occupied or brought into agricultural use until full detailed plans showing the visibility splays/sight lines for the proposed vehicular access onto the A687 are provided to the satisfaction of the Highway Authority in accordance with details to be first submitted to, and approved in writing by, the local planning authority.
- 5) The development hereby permitted shall be carried out in accordance with the approved Bat, Barn Owl & Nesting Bird Survey by Envirotech Ecological Consultants Environmental and Rural Chartered Surveyors Reference: 5871, dated 16 September 2019 and the mitigation measures set out within it. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.