

Appeal Decision

Site visit made on 23 March 2021

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2021

Appeal Ref: APP/E2340/W/20/3264110

Land adjacent to No 1 Barleydale Road, Barrowford BB9 6AD

- 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 Mrs Annabel Thomas against the decision of Pendle Borough Council.
 - The application Ref 20/0433/FUL, dated 20 July 2020, was refused by notice dated 2 November 2020.
 - The development proposed is erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Annabel Thomas against Pendle Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on the settings of designated heritage assets, in particular Crowtrees and Higherford Mill Grade II listed buildings, and the Higherford Conservation Area.

Reasons

4. The appeal site is located off Barleydale Road, a residential road to the northern side of Barrowford. The site is described as agricultural land, though I saw it to be overgrown and not in active use at my site visit. To the rear of the site is a raised mill lodge dating from the early 1800s which forms part of the historic system of water infrastructure that served Higherford Mill, located a short distance to the south. Parts of the head race linking the lodge and the mill still exist to the rear of Crowtrees, the property to the south of the appeal site. Modern dwellings stand to the east, fronting Barleydale Road.
5. A section of the site at the front, roughly where a traditional cobbled stone yard survives, falls within the Higherford Conservation Area (HCA), as do surrounding buildings. The HCA spans Pendle Water with several historic crossing points over listed bridges. It is further associated with the area's early farming and later industrial past, particularly the prominent Grade II listed Higherford Mill towards the centre of the conservation area. Scattered around the mill are a number of features associated with it, including its tall chimney, the aforementioned water infrastructure, and a number of former worker's cottages and other buildings. The HCA derives considerable significance from

- this historic association with the mill and the high number of related buildings and structures spread throughout it.
6. The nearest of these to the appeal site is the Grade II listed Crowtrees, a large mill owner's house dating from the early nineteenth century, and prior to that a farm, with the barn on the site indicated to date from the early eighteenth century. Evidence before me also indicates the cobbled yard to be a historic farmyard associated with Crowtrees, with suggestions of underground structures, although all parties are not agreed on this point, and beyond reference to a stone slurry tank, evidence is limited to verify other structures. The building is also close to the water infrastructure of the mill, with the head race running behind the rear garden wall, and the appeal site and mill lodge are visible from the courtyard. The listed building has significance from these surviving connections with the agricultural and industrial history of the area.
 7. Hungerford Mill itself lies out of sight to the south of the appeal site, separated by a number of buildings, and the mill would not be directly affected by the proposal. However, the list description refers to its sluices and head race, the route of which appears to extend through the westernmost part of the appeal site. The head race and mill lodge, being integral parts of the mill's water infrastructure, therefore have heritage significance and form part of the setting of the mill. Notably, there is added significance from the increasingly rare evidence of the mill continuing to use water power in conjunction with steam power. The appeal site is also indicated to have been the historic point of access to the mill lodge to check water levels and operate sluices, and is still the point of access today for repair and maintenance.
 8. The appeal site, though suggested to have previously contained buildings, is natural in appearance and is visually connected to the open countryside beyond. It also retains a physical connection between the Crowtrees and the adjacent mill water infrastructure, and the cobbled area to the front retains a historic farmyard character along with the listed barn. This historic character would be significantly altered by the introduction of a substantial residential dwelling with attendant hard and soft landscaping, parking areas and potential for outbuildings. In particular, the dwelling would intrude into views of the countryside from within the HCA, undermining the ability to appreciate the rural hinterland of the conservation area. Moreover, though the proposal would not directly harm the surviving water infrastructure, it would severely curtail the ability to access and appreciate these important historic features, thus harming the setting of the listed mill.
 9. I recognise that the Council's conservation officer considered any adverse impact on Crowtrees itself would be slight, owing to the tall walls which separate it from the appeal site. However, the proposed dwelling would be seen in the same views as its barn, and would occupy land historically part of Crowtrees. Though designed to resemble a stone barn, the proposal would be readily understood as a dwelling owing to features such as the large glazed entrance, and due to its significant size and conspicuous position in the centre of the site, it would compete visually with the listed building and would intrude upon and erode the area historically associated with agricultural use at Crowtrees. The immediate surroundings of the listed buildings would be significantly enclosed by the dwelling and the historic connection to the countryside and mill water infrastructure would be irrevocably diminished. Consequently, the proposal would harm the setting of these listed buildings.

10. Therefore, I find that the proposal would harm the settings of the HCA and the listed buildings of Crowtrees and Hungerford Mill. The harm to the significance of these designated assets would be less than substantial, in the language of the National Planning Policy Framework (the Framework). Nonetheless, the Framework states that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 directs that this less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. The proposal would provide an additional dwelling for the Borough's housing stock. This would be in line with the Framework aim of boosting the supply of housing, but would be a limited benefit in view of the small scale of the proposal. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. These limited benefits would be insufficient to outweigh the less than substantial harm to the significance of the designated heritage assets.
12. For these reasons, I conclude that the proposal would give rise to harm to the settings of the aforementioned listed buildings, and the HCA, contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1 Core Strategy (December 2015), which together require development to make a positive contribution to the protection, enhancement, conservation and interpretation of Pendle's natural and historic environments; and the highest possible standards of design which contribute to the sense of place.

Other Matters

13. The Council has not raised concern with respect to the effect of the proposal on neighbours' living conditions, land contamination, ecology and protected species, subject to recommended conditions in some cases. On the evidence before me, I have no reasons to conclude otherwise. An absence of harm in these respects is however a neutral factor in the planning balance.
14. I have had regard to other concerns raised by interested parties. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Conclusion

15. The identified harm in this case result in conflict with the development plan, taken as a whole. Other material considerations, including the social and economic benefits of an additional dwelling, do not indicate permission should be forthcoming in spite of this conflict. For the reasons given, and taking all relevant matters into consideration, the appeal should be dismissed.

K. Savage

INSPECTOR