
Appeal Decisions

Hearing Held on 2 November 2021

Site visits made on 1 and 2 November 2021

by S Ashworth BA (Hons) BPI MRTPI

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

Decision date: 30 NOVEMBER 2021

Appeal Ref: APP/T2350/W/20/3260383

Oxendale Hall, Osbaldeston Lane, Osbaldeston BB2 7LZ

- 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 Belmore Holdings against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0057, dated 23 December 2019, was refused by notice dated 2 April 2020.
 - The development proposed is demolition and reconfiguration of existing 20th century extensions, new extensions, and new garaging with associated landscaping.
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Appeal Ref: APP/T2350/Y/20/3260384

Oxendale Hall, Osbaldeston Lane, Osbaldeston BB2 7LZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Belmore Holdings against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0058, dated 23 December 2019, was refused by notice dated 2 April 2020.
 - The works proposed are demolition and reconfiguration of existing 20th century extensions, new extensions, and new garaging with associated landscaping
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Decisions

1. Appeal A: The appeal is allowed, and planning permission is granted for the demolition and reconfiguration of existing 20th century extensions, new extensions, and new garaging with associated landscaping at Oxendale Hall, Osbaldeston Lane, Osbaldeston BB2 7LZ in accordance with the terms of application ref: 3/2020/0057, dated 23 December 2019 and subject to the conditions set out in the attached schedule A.
2. Appeal B: The appeal is allowed, and listed building consent is granted for the demolition and reconfiguration of existing 20th century extensions, new extensions, and new garaging with associated landscaping at Oxendale Hall, Osbaldeston Lane, Osbaldeston BB2 7LZ in accordance with the terms of the application ref: 3/2020/0058, dated 23 December 2019 and the plans submitted with it, subject to the conditions set out in schedule B.

Application for costs

3. An application for costs was made by Belmore Holdings against Ribble Valley Borough Council. This application will be the subject of a separate Decision.

Preliminary Matters

4. During the appeal process the appellant submitted alternative garage proposals and provided additional details of the proposed tennis court and pavilion. These details had formed part of subsequent applications to the Council for planning permission and listed building consent which were refused¹. Statutory consultees and third parties were consulted as part of that application process and the details considered by the Council. Accordingly, I am satisfied that no interested party would be prejudiced by my consideration of these details as part of this appeal.
5. Although the two appeals have a different emphasis, there are matters common to both. Therefore, to avoid repetition I have dealt with both appeals in one decision letter.

Main Issue

6. Oxendale Hall is a Grade II* listed building dating from 1656. Sited close to that is a barn which is also a Grade II* listed building. There is no dispute between the parties that the proposed extensions to the Hall would be within the setting of the barn. The proposed landscaping, tennis court and associated pavilion would be within the setting of both buildings.
7. The main issue to be considered, therefore, is the effect of the proposal on the special architectural and historic interest (or significance) of the listed building Oxendale Hall and on the setting of both buildings.

Reasons

8. The original part of the building is two storeys high with an attic and has an impressive front elevation with four asymmetrical gabled bays and 3, 4 and 5-light mullioned windows set out in a hierarchical arrangement. The building is constructed in sandstone with ashlar quoins and stone slate roof. The significance of the building, as set out in the Heritage Statement², lies in, amongst other things, its original historic fabric, which retains a timber framed interior and evidence of primary phase construction and its evidence as part of the local vernacular tradition. Its historic lobby entry plan form, a fashionable form of construction in the C17, is of particular significance. There is also high aesthetic value in the architectural character of the gabled frontage and the general appearance of the building, particularly from the south. There is no dispute between the parties, or Historic England, that the rear of the building is of lesser significance in heritage terms.
9. The significance of the barn, which lies to the west of the Hall and which has been recently restored, lies primarily in its cruck frame, typical of regional farm buildings in the area, and its evidential value in the way the site was originally used.
10. It is common ground that the proposal would not affect the historic fabric of the building. The proposed extension to the west side would replace part of the 1990's extension. That extension, constructed in materials and of a style to match the existing, has a low historic significance. There is no dispute between

¹ Application Nos 3/2020/0699 refused 14 December 2020 & 3/2020/0698 refused 15 December 2020

² Heritage Statement for the *Proposed Alterations and Extensions at Oxendale Hall, Osbaldeston* by Hinchliffe Heritage 2020 and the Heritage Statement by the Architectural History Practice 2017

the parties that the extension, which obscures much of the rear elevation, affects the legibility of the original part of the building as a heritage asset. Indeed, particularly in longer range views from the public footpath it is difficult to distinguish the two parts of the building from each other. The loss of this part of the building, in itself, would not harm the significance of the listed building.

11. The proposed replacement extension to the west side would be part single and part two storey in height and constructed using the stone from the demolition. Designed to have a more contemporary appearance, the extension would provide enhanced living accommodation including better planned circulation space within the property which is currently lacking.
12. The existing extension does not reflect the compact planform of the original building. However, whilst the footprint of the proposed extension would extend beyond that of the existing building to the west it would largely be contained within building lines of the remaining structure. I acknowledge the Council's concern that the two-storey element of the proposal would project beyond the two-storey west gable of the original building and would instead align with the chimney, a limited element of that gable. It would be a bulkier addition because of its projection and height but nevertheless it would remain lower in height and would extend to less than half the width of the original roof. As such a large part of the original roof would remain visible from the north and in views from the important south side the extension would not be visible at all.
13. Moreover, that part of the extension would be set well back from the front range beyond recessed areas and would be read as a distinct element, a matter assisted by the detailing of the eaves which would have a simple pointed verge in contrast to the decorative eaves of the original building. The use of ashlar and random coursed stone would clearly distinguish it from the front range. I have taken into account the Council's concern that the two-storey element would obstruct views of a first-floor mullioned window, a characteristic feature of the building. However, that window would not be lost and moreover would still be visible from within the garden and wider parkland. Furthermore, evidence provided at the hearing indicates that views of it would be restricted in only a limited range of views from the north-west. Accordingly, for these reasons I am satisfied that the proposed two-storey element would remain subservient to the original part of the house.
14. Projecting back beyond the two-storey element would be a single storey wing. This would have a more limited projection at the side but nevertheless would extend the bulk of the dwelling at the rear. Again, this element is simply designed and detailed with a contemporary glazed bay to the rear. The cumulative footprint of this and the other elements of the extension would be sizeable, particularly at ground floor level. However, the extension would step down in height from the front range and its articulation would assist in reducing its massing. In that way the original part of the building would remain the dominant element.
15. This west elevation of the extension would contain extensive glazing at ground floor level. The glazing would have a reflective quality but nevertheless it would appear as a void, a lightweight contrast to the stonework at first floor level and on the original building. Whilst it may attract the eye, particularly when lit from within, the windows would not be set in the same plane and I am unconvinced

they would be read as a strip of glazing. Moreover, it seems to me that these modern elements, the glazing set in dark coloured aluminium and the copper detailing, would clearly distinguish the extension from the original building, an approach favoured by Historic England.

16. For these reasons, whilst the new development would be sizeable and visible from the historic access to the south-west and the public footpath to the north, albeit at a distance, the extension to the west side would not overwhelm or dominate the original part of the building. Accordingly, this part of the extension would preserve the listed building and its significance. In addition, given the distance of the Hall from the barn, the extension would preserve the setting and significance of the barn.
17. I have considered the appellant's view that the replacement of the existing extension with that proposed would be a benefit of the proposal. However, the proposal does not include the removal of the least sensitive element of the existing extension, the east side, which incorporates dormer windows and garage door openings with portcullis style detailing which are at odds with the style of the original building. Accordingly, whilst I acknowledge that there is a benefit from the proposal in terms of enhancing the legibility of the original building, that benefit carries limited weight.
18. To the east side, the proposed four bay garage extension linked to the dwelling by a flat roofed service area would be a further sizeable addition to the property, projecting beyond the east elevation by more than the width of the front range. The garage block has been inventively designed in an attempt to reduce its visual impact and in long range views from the rear the extension would be read as a garden wall. However, from the front the row of garage doors would, by their nature, be unrefined, functional elements that would be dominant, at odds with the refined features of the listed building. I acknowledge that this part of the building would be set well back from the front range but nevertheless it would be visible through the gap in a hedge which creates the entrance to the site and would be seen in close proximity to the important front elevation. The juxtaposition of the two elements would to my mind be incongruous.
19. I have considered the alternative proposal in which the end two garage bays would be left open at either end, and the roof form simplified, to resemble a cartshed. Whilst I acknowledge that this is an attempt to overcome the Council's concerns, it seems to me that the resulting structure would lack visual cohesion. To my mind this iteration of the scheme would therefore cause a greater distraction from the front range than that originally submitted.
20. However, the proposal would see the creation of a semi-enclosed courtyard to the east side of the building, bound by a combination of extended hedge planting, walling, a solid gate and by the garage block itself. Entrance courtyards are not uncommon in the curtilage of historic houses and I note the approach has been endorsed by Historic England. The proposed boundary treatment would assist in screening and, whilst it cannot be relied upon to justify inappropriate development, would help mitigate the harm caused by the garages. Accordingly, whilst I have given great weight to the views of Historic England in this regard, there would be limited harm to the significance of the listed building arising from this element of the proposal.

21. The National Planning Policy Framework (the Framework) explains that the setting of a heritage asset are the surroundings in which a heritage asset is experienced. It notes that 'its extent is not fixed and may change as the asset and its surroundings evolve'. There is no dispute between the parties that the land around the buildings would have been agricultural. Indeed, the Heritage Statements note, the Hall was once occupied by a tenant farmer. However, the use, character and appearance of the surroundings have been significantly altered in recent times to open parkland with woodland beyond. In addition, the access drive has been relocated to a north-south axis immediately in front of the principal elevation and planted with formal planting.
22. The openness of the setting allows the listed buildings to be appreciated from the network of public footpaths that surround the site. The formal appearance of the access and sense of arrival it creates enhances the experience of what, in current society, is a dwelling of moderately high social status.
23. The Framework indicates that elements of a setting may make a negative contribution to the significance of an asset and in that respect the car park to the east side of the building, which lacks definition or visual integration with the Hall, and the cars parked on it, make a negative contribution to the significance of the listed building. The proposed reduction in the size of the hard surface and its enclosure to provide a more defined space, plus the opportunity for cars to be moved out of sight is a benefit of the scheme in heritage terms to which I attach significant weight.
24. The relocation of the tennis court and enclosure further away from the Hall and immediate surroundings of the barn, and its setting down into the ground, would reduce its visual impact and is also therefore a limited benefit in heritage terms. The proposed pavilion, a modest structure faced in natural stone with a copper fascia and roof, would be simple in terms of its design and limited in scale. Set away from the listed buildings, and clearly having a different function, the structure would not dominate or undermine the significance of the heritage assets but would have a neutral impact on their setting.
25. The proposed landscaping would have a formal character which would alter, to a limited degree, the appearance of part of the setting of the buildings. The planting may not require planning permission but even if it did, I am unconvinced that the change would be harmful to the significance of the asset given that the original character of the landscape has already been changed and the planting is limited in extent. I am therefore satisfied that this element of the scheme would have a neutral impact on the significance of the buildings.
26. Drawing all these things together, the proposed extension, specifically the proposed garages, would result in some limited harm to the building and its setting. That harm carries considerable importance and weight.
27. However, benefits in heritage terms include the changes to the car park set out above which carries significant weight, plus limited weight from the improvements to the legibility of the original building and limited weight from the relocation and setting down of the tennis court. Accordingly, these benefits outweigh the limited harm identified and as such I conclude that overall, in terms of a heritage balance, there would be no harm to the heritage assets or their significance.

28. For these reasons, the proposal accords with the statutory requirement of the s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that the decision maker shall have special regard to the desirability of preserving the listed building or its setting or any features of special interest it possesses.
29. In addition, for the same reason, the proposal also complies with the requirements of Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy which seek, amongst other things and in various ways, to conserve and enhance heritage assets and their settings in a manner appropriate to their significance, and the requirements of the Framework which states that any harm to the significance of a designated heritage asset will require clear and convincing justification.
30. At the hearing other benefits of the scheme were discussed in terms of, amongst other things energy efficiency. However, the Framework only requires a balance of public benefits where harm to an asset has been identified. Accordingly, this, and any private benefits to the appellant are not determinative.

Conditions

31. At the hearing the appellant provided amended wording to the Council's originally suggested conditions they considered were necessary in the event of the appeals being allowed. I have considered these conditions in the light of the requirements of the Planning Practice Guidance.
32. In the interests of proper planning and to provide certainty I have imposed the standard the time limit conditions on both decisions and the plans condition on the planning permission. Also necessary in both cases are conditions requiring the submission and agreement of the specifications and samples of external materials window and door surrounds, windows and doors, and further details of the dressing, coursing, and laying of walling and roofing materials in order to protect the special architectural interest and setting of both listed buildings. A condition requiring a programme of archaeological work to ensure the recording of matters of archaeological importance is necessary. Given the nature of this work this is by necessity a pre-commencement condition. The appellant is agreeable to that.
33. In order to ensure that satisfactory provision is made to safeguard the habitat of any bats present on the site a condition is necessary to ensure that the mitigation contained in the appellants protected species report is necessary. Conditions requiring the re-use of materials from the demolished section of the building, and a condition requiring the provision of electric vehicle charging points are reasonable and necessary in the interests of sustainability. Whilst there is no development plan policy requirement for the charging points it would be in line with reflect the governments aims of promoting sustainable development and would, moreover, meet the tests of conditions in the PPG
34. In order to ensure the retention of the planting scheme put forward as mitigation for the impact of the garages, a condition requiring the ongoing maintenance of the hedge bordering the car park is required. Details of other landscaping within the site are not necessary to make the development acceptable and as such a further landscaping condition would be unreasonable.

35. A further condition requiring details of the tennis court and pavilion has been suggested. However, details of those parts of the proposed development have already been submitted. Conditions relating to external materials will apply equally to the pavilion. Accordingly, such a condition is not necessary.

Conclusion

36. For these reasons and taking all other matters into account Appeal A is allowed and planning permission is granted subject to conditions. Appeal B is allowed, and Listed Building Consent granted subject to conditions.

S Ashworth

INSPECTOR

Appeal A: Schedule of Conditions

1. The development hereby approved shall be begun no later than three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans:
 - 18.180.002F Proposed Elevations
 - 18.180.002B Proposed South Elevation
 - 18.180.015C Proposed First Floor Plan Option 4
 - 18.180.14E Proposed Ground Floor Plan – Option 4
 - 18.180.021A Proposed Roof Plan- Option 4
 - 18.189.062B South Elevations and Gate Details, only in so far as it relates to the wall and gate details
 - 18.180.061B Proposed Tennis Court
 - M2833.01B Garden Design, only insofar as it relates to the location of the tennis court and pavilion and landscape layout
3. Precise specifications and samples of new walling, roofing, window and door surrounds, doors and windows shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The development shall be carried out only in accordance with the approved details.
4. Precise specifications of walling and roofing materials dressing, coursing/laying shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The development hereby permitted shall be carried out only in accordance with the approved specifications.
5. No development shall take place until a programme of archaeological investigation and recording works has been submitted to and approved in writing by the local planning authority. The programme must be carried out

in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority. These works shall comprise the undertaking of a formal archaeological watching brief during any excavations required for the proposed development. The above works must be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details.

6. The development shall be implemented in accordance with the recommendations and mitigation of the submitted Method Statement Reasonable Avoidance Measures dated 08.09.2020 from Dave Anderson. In the event that any bats are found or disturbed during any part of the development/roofing work, all work shall cease until further advice has been sought from a licensed ecologist.
7. All walling and roofing materials from existing extensions approved for demolition shall be reused in the proposed development unless otherwise agreed in writing by the Local Planning Authority.
8. A scheme for the installation of a vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. The development shall be carried out only in accordance with the agreed details.
9. No development shall commence above ground until the precise details of the hedge planting immediately around the car park, as indicated on Dwg No. M2833.01A, have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which form part of the hedge within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Appeal B: Schedule of Conditions

1. The works hereby approved shall be begun no later than three years from the date of this permission.
2. Precise specifications and samples of new walling, roofing, window and door surrounds, doors and windows shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. The works shall be carried out only in accordance with the approved details.
3. Precise specifications of walling and roofing materials dressing, coursing/laying shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. The works hereby permitted shall be carried out only in accordance with the approved specifications.

APPEARANCES

FOR THE APPELLANT:

James Ellis BA (Hons) MA PGCert, MRTPI	Rural Solutions
John Hinchliffe BA (Hons) BPlg, MSc MIHBC MRTPI	Hinchliffe Heritage
William Roy Walsh	Redisher Limited (Architects)
Jonathan Easton Counsel	Kings Chambers Manchester

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Dowd BSc (Hons) MA (URP) MA (Arch Cons) MRTPI IHBC Ribble Valley
Borough Council
John Macholc Head of Planning
Ribble Valley Borough Council