



Appeal Decisions

Site Visit made on 13 July 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2022

Appeal A: APP/C2708/W/21/3270950

The Granary, Peel Green, Hellifield, BD23 4LD

- 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 and Mrs Wellock of Wellock Property Limited against the decision of Craven District Council.
- The application Ref: 2019/20611/FUL, dated 7 June 2019, was refused by notice dated 15 September 2020.

The development proposed is described as: Part demolition and change of use of 'granary' buildings to create group holiday accommodation, glasshouse, minor extensions and alterations, parking, and access.

Appeal B: APP/C2708/Y/21/3270952

The Granary, Peel Green, Hellifield, BD23 4LD

- 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 Mr and Mrs Wellock of Wellock Property Limited against the decision of Craven District Council.
- The application Ref: 2019/21182/LBC, dated 5 November 2019, was refused by notice dated 15 September 2020.
- The works proposed are described as: Part demolition and change of use of granary buildings to holiday accommodation, glasshouse, minor extensions and alterations, parking, and access.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Applications for costs

3. An application for an award of costs in respect of both appeals was made by Wellock Property Limited against Craven District Council. These applications are the subject of a separate decision.

Preliminary Matters

4. The Planning Application form described the proposed development as 'Part demolition and change of use of 'granary' buildings to create group holiday accommodation, glasshouse, minor extensions and alterations, parking and access' and the Listed Building Consent Application form contained the description 'Part demolition and change of use of granary buildings to holiday accommodation, glasshouse, minor extensions and alterations, parking and

access'. The Decision Notices issued by the Council both use a slightly expanded version of the latter description, namely 'Part demolition and change of use of granary buildings to create a holiday cottage (Use Class C3), glasshouse, minor extensions and alterations, parking and access'. The appellants' "Statement of Facts" document dated 5 February 2020 which was submitted to the Council makes it clear that the proposal is for a holiday cottage. The Council's description does not appear to have been formally agreed with the appellants, although I note that the appellants have adopted this on the appeal forms. I have determined the appeals on the basis that the proposal relates to the creation of a holiday cottage as asserted by the appellants in their Statement of Facts and Statement of Case. However, as I am dismissing both appeals, I have retained the original descriptions from the relevant planning and listed building consent application forms in the heading of this decision.

5. The appellants have questioned whether there is a requirement for listed building consent for the proposed works. Nonetheless, an application for listed building consent was submitted, determined by the Council, and an appeal against the Council's decision subsequently lodged. Within the context of an appeal under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereinafter, the Act) it is not within my remit to formally determine whether the proposed works require listed building consent as questioned by the appellants¹. I am required to determine the appeal that is before me. If the appellants wish to ascertain whether the proposed works would be lawful, it is open to them to make an application under Section 26H of the Act.
6. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on any implications that the revision to the Framework may have on their respective cases. Neither party submitted any further comments in response. None of the revisions to the Framework are of direct relevance to the principal disputed matters in the appeals and the provisions in respect of considering the potential impacts on heritage assets are unchanged from the previous version. I have determined the appeals with reference to the revised Framework.
7. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Act.

Main Issue

8. The main issues in these appeals are:
 - Whether the proposal would preserve a Grade II listed building, Hellifield Peel [List Entry: 1131698], and any of the features of special architectural or historic interest that it possesses; and
 - The effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of

¹ I am aware of the comments of the High Court in *Chambers & Anor v Guildford Borough Council* [2008] EWHC 826 (QB). However, that case pre-dates the insertion of Section 26H into the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Enterprise and Regulatory Reform Act 2013 in respect of applications for a Certificate of Lawfulness of Proposed Works to a Listed Building.

preserving the setting of the Grade II listed building and Scheduled Ancient Monument, Hellifield Peel [List Entries: 1131698 and 1004073].

Reasons

9. The principal building, Hellifield Peel, was listed in 1958 and dates from the fourteenth century with alterations made in the fifteenth, seventeenth and eighteenth centuries. The submitted evidence also indicates that the building was restored to its present condition and configuration in the early part of the twenty first century. In so far as it is relevant to these appeals, from the submitted evidence, the significance of Hellifield Peel is derived from its historical and evidential value, being a surviving fourteenth/fifteenth century fortified house that has been adapted over the centuries to accommodate the requirements of the occupiers. It also has an aesthetic value derived from its architecture and parkland setting.
10. It is not clear when Hellifield Peel was designated as a Scheduled Monument as the list entry contains very little information other than to indicate that the designation was made a considerable period of time ago. The information provided by the Council includes a reference to an 'Old County Number' scheduling record and this, together with the use of the past tense in the correspondence, strongly indicates that the building was scheduled some time before the 1972 date of the correspondence. However, as the scheduling relates to the same building, its significance and that of its setting is broadly similar to that which it has as a listed building.
11. The appeal building forms part of a group of buildings that stand a short distance to the north east of the principal building. It is a mainly single storey, stone built, structure with a pitched roof covered in stone slates. At the east end of the building is a two storey element with a pyramidal roof. To the rear of the building there are a number of, clearly later, single storey, brick, and breezeblock additions, some of which are attached to a high wall that separates the appeal site from a residential property to the east. The rear wall of the appeal building is in a mix of stone and red brick and at the western end a high wall with a personnel gate links the rear elevation of the building to a further high wall on the west boundary of the appeal site.
12. The historic mapping contained in the submitted Heritage Statement shows Hellifield Peel as being set within parkland with formal gardens separated from the surrounding parkland by a curved ha-ha wall to the east and south with a group of outbuildings to the north west and further gardens to the west. The area braces, or field ties, annotated on the historic maps indicate that these areas comprised a single field parcel at that time. The indicated garden areas are identified in the submitted evidence as a walled kitchen garden and sections of the high boundary wall are present on the site boundaries of the appeal site. This wall forms a prominent linear feature defining the historic extent of the domestic grounds and building associated with the Peel.
13. Given the above, I find that the setting of the building, in so far as it relates to these appeals, to be primarily associated with surrounding parkland and also the close historical association with the Peel of the group of ancillary outbuildings and the walled garden, and that this directly contributes to its special interest for the reasons given.

14. Notwithstanding that the status of the appeal building was contended by the appellant, it is not without some significance in its own right. The appellants' evidence suggests that building in its current form dates from the mid-nineteenth century, replacing, or possibly incorporating, earlier buildings on the site. Interested parties have submitted a substantial body of evidence which suggests that the current form of the building may be of an earlier date, potentially from the 1770's, and that the two storey element at the east end may originally have been much earlier. What is, however, clear from both sets of evidence is that the appeal building is of some age and that it has a strong historical association with Hellifield Peel as an ancillary outbuilding used in connection with the occupation of the Peel as a country house.
15. The historic function of building is less clear. Despite the acquired "Granary" name, from what I have read and what I saw when I visited the site, I would agree that it is more likely that the building was an ancillary building used in connection with the occupation of the main house, potentially as stables and a coach house/garage use, storage use, and in connection with the walled garden. The uses will have changed over time to accommodate changes in the requirements of the occupiers of the principal building. I observed that the interior of the building is much altered which is at least indicative of adaptations to suit changing functions.
16. As consequence, the appeal building has historic and evidential value due to its association with Hellifield Peel and in illustrating the evolution of the Peel over time from a fortified tower house to something more akin to a country house and the tradition of large country houses having a home farm and a range of service buildings. It also has some aesthetic value, primarily derived from the architecture of the stone built, north facing, elevation, which faces onto the access drive to the principal listed building, Hellifield Peel. So far as it relates to these appeals, the significance of the appeal building is derived from these factors.
17. The proposal is to create a four bedroom holiday cottage by converting and extending the appeal building. The extensions would be primarily to the rear south elevation of the building with only a small extension to the west gable replacing an existing small addition to that gable end. These extensions would be single storey, faced in grey zinc standing seam panels with a flat, sedum roof. To facilitate the extensions, sections of the existing rear wall of the outbuilding and an assemblage of later, small, structures adjoining the rear wall of the appeal building and the boundary wall to the neighbouring building would be demolished.
18. The proposal also includes the construction of a new, two storey, building on the site of an existing small outbuilding attached to the western element of the high wall surrounding the former kitchen garden, which would house kennels on the ground floor and a gym on the upper level reached by a flight of external stairs. This would be constructed in stone to the ground floor and a mixture of zinc cladding panels and glazing to the upper level. It would be covered by a pitched roof also finished in grey zinc panels. This element of the proposal would involve the demolition of a section of the garden wall that currently joins the appeal building to the west section of wall, raising the height of part of the west wall, and the formation of two window openings within the garden wall to provide light to the proposed kennels area.

19. The final element of the proposal is the construction of a new lean-to glasshouse attached to the west element of the garden wall to the south west of the appeal building.
20. The proposed extensions would substantially alter the rear elevation of the appeal building, as the size, roof form, and proposed materials would be significantly different from the existing building and the historic rear elevation would be subsumed within the new extension. It is clear from both the submitted evidence and my observations on site that the rear elevation has previously undergone significant alterations over time and presently consists of a mix of materials and ad hoc repairs and additions. Similarly, the interior of the building appears to have been much altered and modified over time. However, it does retain the historic internal compartmentalisation associated with its past uses which contributes to the understanding of the building and its relationship with the principal building and the other buildings in the group.
21. From the submitted demolition plan, the appeal proposals would result in the loss of a substantial amount of historic fabric from the building to accommodate the proposed new internal configuration. This would reduce the legibility of the building by disrupting the historic floor plan and severing the link between the openings on the north façade and the spaces behind in a large proportion of the building.
22. The front elevation of the appeal building would remain largely unchanged, and the proposals would retain the existing openings in the front elevation and not create any additional new openings in it. However, much of the remainder of the current building would be subsumed within the larger rear extension. The figures contained in the Design and Access Statement indicate that the proposed extension, excluding the proposed car port, which would be capable of accommodating four vehicles, exceeds the footprint of those elements of the appeal building that would be retained by the scheme. From the submitted drawings, the proposed car port would be an integral part of the proposed extension and would be perceived as a continuation of it. This would further add to the size of the proposed extension in comparison to the retained structure. Although the application forms describe the extensions as minor, from the submitted drawings and the information in the Design and Access Statement this would not be the case.
23. The proposed extensions would significantly change the rear part of the appeal building. Although they would not completely sever the historic relationship with the former walled garden area, the proposed extensions would reduce the ability to understand the function of the appeal building within the existing group and how it related to the former walled garden. This would be exacerbated by the proposed demolition of the section of linking wall that extends from the rear elevation to facilitate the construction of the proposed kennels and gym building.
24. As a result of the combination of the size of the proposed extensions, the internal alterations, and the loss of historic fabric, the proposal would fail to sustain, or enhance, the significance of the appeal building and would, consequently, undermine the understanding of the historical evolution and functions of the principal building.
25. Turning to the setting of the principal listed building and the scheduled monument, it is common ground that the proposed scheme will lead to less than

substantial harm to the significance of the designated heritage assets and this position is echoed in the comments of Historic England.

26. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The setting of a heritage asset includes, but is generally more extensive than, its curtilage. The appeal proposals would introduce a large extension to an existing building that forms an integral part of the setting of Hellifield Peel and contributes to its significance as part of the group of historically associated buildings, in addition to the construction of two new buildings.
27. The proposed extension would introduce a large contemporary styled, flat roofed, addition to the rear of the building. Although, in principle, contemporary extensions to historic buildings are not unacceptable, the proposed extension would introduce a substantial expanse of zinc cladding and glazing on a flat roofed structure that would exceed the footprint of the retained stone structure. The proposed materials are not found in the current group of buildings and the articulation of the façade would be wholly different from the architecture of the other existing buildings in the current group of ancillary buildings associated with the Peel. I observed when I visited the site that other nearby buildings that have been converted to residential use retain the appearance of traditional agricultural or ancillary buildings. The proposed extension would be in stark contrast to this with a very contemporary and urban style that would be at odds with the rural location and historic context of the site.
28. The size of the proposed extension would also distort the current hierarchical relationship between the buildings in the group by significantly increasing the footprint and extent of what was historically a service building.
29. This new extension would be in part concealed in views from the east by the historic boundary wall between Homestead House and the former kitchen garden, which it would be built against, but would nonetheless also extend the built form beyond the current end of this wall, where it incorporates the former game larder with its more recent lean to addition. From within the former walled garden area, Hellifield Peel is clearly visible and would be seen with the proposed new extension in the foreground.
30. This would introduce substantial, new, built development between the appeal site and former garden area and Hellifield Peel, increasing the prominence of the new extension, and decreasing the historic connection between Hellifield Peel and its former kitchen garden, diminishing the legibility of the historic relationship.
31. The proposed works to the north elevation of the appeal building to reinstate the currently blocked openings and replace external joinery, together with the reinstatement to a managed garden area within the confines of the historic kitchen garden would represent a moderate improvement the setting of the principal building and the scheduled monument. However, these works are not contingent on the remainder of the scheme and could be implemented separately as general repairs or maintenance of the land and buildings.
32. The first of the new buildings, the combined kennels and gym would be a two storey building attached to, and incorporating part of, the historic garden wall with a pitched roof finished in zinc sheets with prominent oversailing eaves and verges. The proposed height of the roof ridge would be higher than that of the

existing two-storey roof heights of the Granary and the nearby Keepers Cottage. The north facing upper gable of the building would be also finished in zinc cladding. As noted above, it is proposed to demolish a section of wall that links the appeal building to the west garden wall to facilitate this building.

33. I saw when I visited the site that there are presently small outbuildings attached to the boundary wall and the historic map evidence also illustrates that these, or similar, buildings have been present in the past. Consequently, this approach could be considered characteristic. Nonetheless, these existing buildings are of a lower height than the proposed new kennels and gym and only the roof elements project above the height of the garden wall with the eaves being contiguous with the top of the wall. The proposed new kennels and gym would be substantially higher than any of the current outbuildings and, in addition, higher than the appeal building and the neighbouring building at Keepers Cottage. The roof eaves would project beyond the outer face of the garden wall, which would be inconsistent with the approach on the other outbuildings.
34. In addition to this, the proposal to locally increase the height of the west wall to accommodate the proposed new building and the creation of new window openings in the boundary wall to serve the lower floor would appear incongruous in the otherwise uniform linear boundary feature.
35. The additional height of the proposed new building compared to its immediate neighbours and the presence of a large area of zinc cladding on the north gable would emphasise its presence in views from the north and approaching the site from the west, particularly in short range views. This increased height and prominence would disrupt the existing hierarchy of building heights and types within the group of ancillary buildings historically associated with the Peel.
36. The second of the proposed new buildings is a large lean-to glasshouse also attached to the historic garden wall. I have noted that the Council has no objections to the new glasshouse and there is also map evidence that in the past there have been glasshouse structures within the former walled garden area, albeit in different locations to the appeal proposal. Although a larger structure, the proposed form and materials for this building would be consistent with the former and proposed garden uses of the wider site, and this element of the proposal would, by itself, not cause harm to the character and appearance of the area.
37. I have noted that the appellant has submitted a Visual Appraisal with the appeal which assesses the proposal in terms of its effect on the landscape and from public viewpoints such as roads and public rights of way. This concludes that the proposed development would not have a harmful effect on the landscape and that the development would not be widely visible from longer range viewpoints. From my observations during the site visit, I have no reason to question these findings.
38. However, the effect on the surrounding landscape is a separate consideration which has not been raised in the reasons for refusal and is not relevant to the harm that would be caused to the listed building which is protected for its intrinsic qualities whether or not wider views or public views are present.
39. I have noted that there has been a previous planning permission granted for the conversion of the appeal building to three dwellings as part of a wider scheme, and I am advised that this permission is still extant. However, from the

drawings that I have been provided with, this scheme is restricted largely to the current, existing, structure with only a small, single storey, traditionally constructed extension to the rear. This rear addition would not be significantly greater in extent than the existing assemblage of buildings to the rear of the main building.

40. Although this may represent a fallback position, I have no substantiated evidence before me that there is any more than a theoretical possibility that this scheme would be implemented should these appeals be dismissed. In any event, from my perusal of the drawings and from what I saw when I visited the site, I find that were this scheme to be implemented, due to its smaller scale and more sympathetic architectural approach, which would maintain the general hierarchy of the buildings on the site, it would ultimately be less harmful to the heritage assets than the appeal proposal.
41. Paragraph 199 of the Framework 2019 advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater that weight should be. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. This paragraph further recognises that Scheduled Monuments are heritage assets of the highest significance.
42. Within this context and for the reasons set out above, I conclude that the proposals would be harmful to both the appeal building and to the setting and, consequently, the significance of Hellifield Peel. I have also noted that it is not in dispute between the main parties that the proposal would result in less than substantial harm to the setting of the designated heritage assets. As the effects of the proposed development would be restricted to the appeal building itself and those parts of the wider setting closest to the principal building, I would agree that the harm would be less than substantial in this case but, nonetheless, of considerable importance and weight.
43. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. The appellants are of the opinion that the proposal would be beneficial because it would return the building to an economic use, would generate additional expenditure in the local economy, provide jobs during the construction period, and create indirect jobs in the locality through supply chain jobs and from increased number of homes. It is also suggested that the proposal would result in the creation of a new dwelling leading to increased council tax receipts and New Homes Bonus benefits to the Council.
44. It is not in dispute between the main parties that the principle of converting the appeal building to a holiday cottage or residential use is acceptable. The appeal building is presently in a poor condition and there would be a modest benefit from bringing the building back into use, improving the external appearance of the north façade and the structure of the building, and from the landscaping to the former walled garden area. However, this is also true of previous approved scheme which, from the information I have been provided with, would involve fewer and less substantial alterations, and have a lesser effect on both the

appeal building and the setting of the principal building and scheduled monument.

45. There would be some small scale economic benefits arising from the provision of jobs during construction period although there is no indication that these would be new, permanent, jobs as opposed to maintaining existing jobs. The development would result in some additional expenditure in the local economy, which would help support local facilities, and this can be given moderate weight in favour of the proposal. There is, however, no substantiated evidence that the proposal would result in the creation of indirect or supply chain jobs in the locality, and I am not persuaded that one new dwelling, or holiday cottage, would make a significant difference in this respect. Similarly, it is less clear whether the creation of the new dwelling would represent a significant benefit in terms of council tax/business rate receipts and the New Homes Bonus as this has not been quantified in the submissions. Although the proposal may technically fall within Use Class C3 (dwellinghouses) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed condition restricting the occupation to holiday use or short term letting would not be creating a new permanent dwelling or result in a net addition to the effective housing stock in the area, as it could not be occupied by a local person on a permanent basis. As a such it is not clear whether the proposal would qualify for the New Homes Bonus.
46. I have no evidence before me that would indicate that this proposal represents the optimum viable use of the building. Moreover, maximising the use of land or buildings is not to be conflated with the optimum viable use of a heritage asset consistent with its conservation. This is because the Planning Practice Guidance recognises that the optimum viable use may not necessarily be the most economically viable one and that there may be more than one viable use. Alternative options for the use of the building have not been explored in the submissions.
47. The appeal proposal would result in some public benefits which, for the reasons set out above, can be given moderate weight. Considerable importance and weight must be given to any harm to designated heritage assets and Scheduled Ancient Monuments are heritage assets of the highest significance. The harm to the listed building and the Scheduled Monument weighs substantially against the appeal proposal and this would not be overcome by the modest public benefits.
48. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and the setting of the Grade II listed building and the setting of the Scheduled Ancient Monument. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policy ENV2(b) of the Craven Local Plan 2019 that seeks, among other things, to ensure proposals affecting a designated heritage asset conserve those elements which contribute to its significance. As a result, the proposal would not be in accordance with the development plan.

Other Matters

49. In respect of the planning application that forms the subject of Appeal A, I have noted that the Council have not raised any objections to the proposal in respect of matters relating to highways, drainage, landscape character, living conditions of nearby residential properties, or biodiversity. Whilst the appeal proposal may not conflict with the development plan in respect of these matters, this not

sufficient to overcome the conflict with the development plan and national planning policy due to the harm that would be caused to the designated heritage assets.

50. I have also had regard to the representations made by interested parties, although none of the points raised in these would lead me to a different overall conclusion.

Conclusion

51. The proposal would cause harm to the special historic interest and setting of the Grade II listed building and the setting of the Scheduled Ancient Monument in conflict with the requirements of the Act, paragraph 197 of the Framework and conflict with policy ENV2(b) of the Craven Local Plan and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeals should be dismissed.

John Dowsett

INSPECTOR