



Appeal Decisions

Site visit made on 10 January 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal A Ref: APP/Q9495/W/21/3273261

Howe Top, White Moss, Ambleside LA22 9SF

- 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 Chris Carss against the decision of the Lake District National Park Authority.
- The application Ref 7/2020/5670, dated 16 October 2020, was refused by notice dated 11 December 2020.
- The development proposed is the demolition of modern agricultural buildings and construction of local needs dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal proceedings the appellant provided a Bat, Barn Owl and Nesting Bird Survey¹. The Local Planning Authority (LPA) has since confirmed that this addresses its concerns in relation to the proposal's effects on protected species. Accordingly, this part of the LPA's reason for refusal has fallen away.
3. I am advised that the demolition of the agricultural building extending from the southern elevation of the listed bank barn has been approved by a separate grant of planning permission and listed building consent². Indeed, I observed during my visit that this structure has recently been demolished. As such, my reasoning will focus primarily on the demolition of the remaining L-shaped range of agricultural buildings and their proposed replacement with a local needs dwelling, as illustrated by the accompanying plans and drawings.
4. The Lake District National Park Local Plan 2020-2035 (the LP) was adopted by the LPA on 19 May 2021, and this post-dates the LPA's refusal notice. The LP now forms the development plan for decision-making purposes and supersedes the Core Strategy³. Furthermore, the Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021.
5. It is incumbent upon me to take into account the most up to date information in reaching a decision. I have, therefore, had regard to both the LP and the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they have had the opportunity to comment on the implications of these policy changes over the course of the appeal proceedings.

¹ Bat, Barn Owl & Nesting Bird Survey at How Top Farm, Grasmere by Envirotech Ecological Consultants Environmental and Rural Chartered Surveyors, dated 7 May 2021

² LPA Application Ref. 7/2020/5667 and 7/2020/5668

³ Lake District National Park Core Strategy 2010

Main Issue

6. The main issues are:

- Whether the proposal would preserve the settings of Howe Top Farmhouse and the Barn to East of Howe Top Farmhouse, which are Grade II listed buildings; and,
- The effect of the development on the character and appearance of the surrounding area, having regard to the site's location within the Lake District National Park and the English Lake District World Heritage Site.

Reasons

Setting of listed buildings

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. I have therefore considered the effect of the proposal in light of this weighty statutory duty.
8. Howe Top Farmhouse and the barn to its east are Grade II listed buildings, with the farmhouse dating from the 17th century. The farmhouse is a two-storey house constructed of stone rubble under a slate roof, typical of the local architectural vernacular. The listed barn is a stone built traditional 'bank barn', which utilises its hillside position to provide ground level access to both its upper and lower levels, and thereby forming a strong connection with the surrounding landscape. The setting of these designated heritage assets includes the adjacent agricultural land and farm buildings which contribute to the significance of the listed buildings as they are redolent of the agricultural history of the site, which would have necessitated land and buildings in close proximity to the farmhouse.
9. The appeal site, with its L-shaped range of former agricultural buildings, forms an important part of the setting of these listed buildings, creating a courtyard enclosure that would have historically provided animals with shelter from periods of inclement weather along with storage for feed and machinery. The parties are in agreement that this range of buildings date from the late-1950s/early-1960s, and therefore they are not considered to be curtilage listed structures. The buildings' traditional slate roof covering remains to one of its slopes and they are generally constructed of modern blockwork. Nonetheless, their simple form, layout and appearance reinforce the agrarian character of the site and in doing so provide an historical narrative to the site's former use as a small traditional Lake District farmstead. As such, the existing agricultural buildings are important contributors to the understanding and appreciation of the special interest of the listed buildings as part of a former smallholding.
10. The proposal would see the remaining L-shaped range of agricultural buildings demolished and replaced with a large two storey dwelling containing three bedrooms, a spa, gym, games room, integral garage and carport. The dwelling would be positioned to replicate the L-shaped formation of the existing buildings albeit with more generous spacing between the development and the farmhouse. It would utilise local materials in its construction, including Lakeland stone and a natural slate roof covering and would be highly visible when travelling along the adjacent road on the approach from the south.

11. The new dwelling would be of a greater scale and overall massing than the existing agricultural buildings and would introduce a modern building with a predominantly domestic character and appearance. This would completely alter the appearance and character of the site from a simple agricultural farmstead to a suburban form of development that would harmfully detract from the agrarian character of the former farmstead. In particular, the extensive use of glazing to the south and west facing elevations, coupled with the proposed balcony and covered walkway to the southern elevation, would be at odds with the more restrained architectural character of the adjacent listed buildings. As such the proposal would detract from and thereby cause harm to the significance of the adjacent listed buildings as a prominent part of their setting would be lost.
12. I accept that the positioning of the proposed dwelling would provide greater views of the farmhouse on the approach from the south. However, in doing so this would diminish the existing intimate relationship of the buildings which characterise the site's former use as a smallholding. This would be exacerbated by the proposed drystone wall that would provide a physical boundary between the listed farmhouse and the proposed dwelling, thereby visually separating the listed building from its farmstead setting.
13. The north facing elevation would replicate design features taken from the farmhouse. However, this composition, coupled with its proposed scale, is suggestive of a second farmhouse at the site and therefore it would harmfully compete with the dominance of the listed farmhouse, to the clear detriment of its historic and architectural significance.
14. Taking the above points together, the proposed development would have a negative impact on the experience of the listed buildings within their setting. It would therefore fail to preserve the settings of Howe Top Farmhouse and the Barn to East of Howe Top Farmhouse. Accordingly, it would not meet the statutory duty set out at 66(1) of the Act. Therefore, the proposal would be contrary to LP Policies 06 and 07 which together seek to achieve design excellence in all development and to conserve and enhance the significance of heritage assets.

Character and appearance

15. The appeal site and the adjacent listed buildings are set within a wider rural context which can be appreciated from multiple public vantage points on the approach along the public highways from the north, south and east. The site falls within both the Lake District National Park and the English Lake District World Heritage Site (WHS).
16. Traditional stone and slate buildings are a distinctive feature of the Upland Valley Landscape, in which the appeal site can be found. These distinctive features combine with a pattern of field boundaries which represent a continuity of traditional agricultural land used as inbye land, linked to the hill sheep farm system. The area also contains particularly good examples of historic agricultural buildings which illustrate the history of farming and its development throughout the 17th, 18th and 19th centuries⁴. Accordingly, despite the appeal site containing 20th century agricultural buildings, it forms part of an important grouping of traditional buildings with a strong and positive connection with the surrounding landscape, adding to the scenic beauty of the area.

⁴ Lake District National Park Landscape Character Assessment and Guidelines, revised April 2021

17. The WHS is a designated heritage asset of the highest significance and is internationally recognised for its Outstanding Universal Value. The WHS's attributes of Outstanding Universal Value are based on a combination of attributes falling under three intertwining and interdependent themes of landscape shaped by persistent and distinctive agro-pastoral traditions, which has inspired artistic and literary movements and generated ideas about landscape that have had global influence, and which has been the catalyst for key developments in the approach to national and international landscape protection.
18. The open land surrounding the site to its south and west are examples of inbye land, a remnant of the traditional agro-pastoral farming activities of the area. The presence of the former smallholding with its 17th century farmhouse and historic bank barn are further remnants of this traditional form of farming that is unique to the Lake District landscape. As such the appeal site and its surroundings are a component of the attributes of Outstanding Universal Value of the Grasmere, Rydal and Ambleside Valley and thereby contribute to the significance of the WHS.
19. The proposal would make a relatively small, yet significant, incursion into the open countryside to the immediate south of the site. This would involve re-profiling the land to create a stone flag terrace to serve the new dwelling. This would result in a significant visual impact that would accentuate the development's presence in the landscape and harmfully interrupt the established historic field boundary to this area of inbye land. Furthermore, the dwelling's design features, as noted above, would contrast unfavourably with the traditional form and character of the historic farmhouse and bank barn, amounting to a particularly discordant form of development.
20. The proposed woodland planting along the eastern boundary of the site would do little to temper these harmful effects, the development would still be visible in public views from the north and south. I am also mindful that landscaping ought to be used to soften, enhance or complement the appearance of new development, not to conceal inappropriate development that fails to contribute positively to its surroundings.
21. Overall, I find that the development would result in an overly large and conspicuous form of development that would harmfully diminish the landscape character of the surrounding area. While reasonably localised in its extent, the proposal would fail to conserve or enhance the natural beauty of the National Park.
22. As a consequence, the development would have a significant harmful effect on the character and appearance of the surrounding area, having regard to the site's location within the Lake District National Park and the English Lake District World Heritage Site. It would therefore be contrary to Policies 01, 02, 05, 06 and 07 of the LP which together require, among other things, that development be appropriate to the character of its location, that the extraordinary harmony and beauty of the landscape including attributes of Outstanding Universal Value is conserved, the achievement of design excellence in all development and the conservation and enhancement of the significance of heritage assets.
23. The proposal would also conflict with the associated policies of the Framework, including those relating to the protection of valued landscapes and the great weight afforded to conserving and enhancing landscape and scenic beauty in National Parks – areas which have the highest status of protection in these regards. In addition, the proposal would be inconsistent with the statutory purpose for which the Lake District National Park is designated, that primarily

being to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, as set out at Section 11 of the National Parks and Access to the Countryside Act 1949 (as amended).

Other Matters

24. I acknowledge the appellant's assertions that the proposal would not conflict with the LPA's policies in relation to the location of housing and there would be no adverse effects on ecology. However, these are neutral factors that weigh neither for nor against the proposal.
25. From the submitted evidence, I can see that the proposal offers design improvements over that of the previously refused scheme⁵ for the development of the site. Nevertheless, each proposal must be considered on its own merits and therefore while it may offer design improvements to a previously proposed scheme, I have still found it to be contrary to the policies of the development plan.

Planning balance and conclusion

26. In accordance with paragraphs 201 and 202 of the Framework, it is for the decision maker, having identified harm to a designated heritage asset, to consider the magnitude of that harm. In this case, under the terms of the Framework, I consider the harm to the listed buildings, by virtue of harm to their settings, and the harm to the WHS to be 'less than substantial' given the extent of the proposal and its localised effect. The harm must therefore be weighed against the public benefits of the proposal.
27. The development would provide a local needs dwelling in an area where there is an identified need for such housing. This would accrue both economic and social benefits through its construction and subsequent occupation. However, these benefits are curtailed by the fact that the proposal would provide only one dwelling. I have found that the existing buildings on the site make a positive contribution to the setting of the listed buildings and therefore their removal would not be a heritage benefit. Accordingly, the public benefits are not of sufficient weight to outweigh the great weight and importance that I attach to the harm to the designated heritage assets.
28. For the reasons set out above, I have found the proposal to be contrary to the policies of the development plan and no material considerations of sufficient weight have been advanced to outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR

⁵ LPA Application Ref. 7/2020/5081 and 7/2020/5082