



Appeal Decision

Site visit made on 1 February 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/A2335/D/21/3288032

Bainsbeck Farm, Kirkby Lonsdale Road, Arkholme LA6 1BA

- 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 Edward Hayton against the decision of Lancaster City Council.
 - The application Ref 21/00235/FUL, dated 22 February 2021, was refused by notice dated 14 October 2021.
 - The development proposed is demolition of two small domestic outbuildings and replacement with a garage/workshop/store.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Edward Hayton against Lancaster City Council. This application is the subject of a separate Decision.

Main Issue

3. I consider that the main issue is: -
 - whether the proposal preserves or enhances the character or appearance of the Arkholme Conservation Area and its effect on the adjacent non-designated heritage assets.

Reasons

4. The appeal site is in the Arkholme Conservation Area and therefore I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Local Plan¹ Policy DM38.
5. The Conservation Area Appraisal for Arkholme² notes that as well as Listed Buildings within the Conservation Area, there are some non-designated heritage assets that contribute towards the significance of the Conservation Area. Bainsbeck Farm is identified in the appraisal as a significant unlisted

¹ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD, Adopted Version July 2020.

² Lancaster City Council Arkholme Conservation Area Appraisal, Adopted January 2016.

building that makes a positive contribution to the historic legibility of the Conservation Area. The plan in the document includes the house and buildings around the courtyard to the rear of the house but excludes the buildings subject to this appeal. Local Plan Policy DM41 establishes that where a non-designated heritage asset is affected by a development proposal, the effect of the application on its significance will be taken into account. This is reflected in the National Planning Policy Framework³.

6. This proposal comprises of two components, firstly the demolition of a building in a Conservation Area and secondly the construction of a new detached building to be used as a garage/workshop/store.

Demolition

7. The demolition work would involve removing two lean-to structures set against a wall. The wall is unusual in that it comprises of a rubble/stone wall, against which there are the lean-to buildings, the other side of the wall is faced in brick. The Council consider that the wall appears to have been part of the boundary to a walled garden. It is understood that the original manor house was demolished in the 19th Century and the existing house is described as a Jacobean revival style manor house. The house is adjacent to the application site and has clearly undergone extensive refurbishment. The wall and lean-to buildings to be demolished are close to the house but are in a poor state of repair and appear close to falling down.
8. The lean-to buildings cannot be seen from the road but form part of a courtyard of buildings located behind the frontage Jacobean style house. However, as noted above, whilst the courtyard buildings are identified as a non-designated heritage asset, the appeal buildings, including the attached wall, are not. However, the Council in its Officer's report indicates that the kitchen wall is an important aspect of the Conservation Area and positively contributes to the historic character and significance of the site.
9. The demolition of the buildings and wall would have an impact on the appearance of the Conservation Area and the identified non-designated heritage assets. However, they are clearly in a poor state of repair and the Council's Conservation Officer's view that the feature should be recorded prior to demolition seems reasonable⁴. The appellant refers to later correspondence from the Council's Conservation Officer which required the wall to be retained. This correspondence is not included in the appeal documents.
10. Regardless of whether the wall should be recorded for historical record following demolition or retained, I am concerned that approving the demolition works without an acceptable proposal to address the impact of this, for example an acceptable replacement building, would impact on the significance of the heritage assets both in terms of the Conservation Area and the non-designated heritage assets i.e. the house and the courtyard buildings. In this respect, the demolition would be contrary to the objectives of Policy DM41. This in turn would neither preserve or enhance the character or appearance of the Arkholme Conservation Area which would conflict with Local Plan Policy DM38.

³ Ministry of Housing, Community and Local Government National Planning Policy Framework, 2021 (the Framework).

⁴ Lancashire City Council Conservation Team Advice, dated 13 September 2021.

New Building

11. The proposal is for a large detached building to be used as a garage and workshop and a garden store. It would be located to the south-west of the house and it would be larger than the buildings it would replace, in particular in terms of its height. Whilst it would be set back from the road and seen against the backdrop of the farm buildings, it would still appear very prominent when entering the village and the Conservation Area from the west.
12. The existing house is fairly large and its design and appearance make a positive contribution to the Conservation Area. I note that it already has a double garage attached to the northern-eastern end of the house. The proposed building would add a detached building with additional garage space to the south-western end of the house and whilst it is described as a replacement for the buildings to be demolished, it would have a considerably greater impact than the existing buildings.
13. I consider that the scale, design and prominence of the building would not preserve or enhance the character or appearance of the Arkholme Conservation Area. I also consider that its dominance would harm the significance of the grouping of non-designated heritage assets i.e. the house and the buildings to the west of the house. As such, the proposed building would conflict with policies DM38 and DM41 and the Framework.

Other Matters and Conclusion

14. I note that the wall and lean-to buildings are in a poor state of repair and I appreciate that their retention may be neither desirable nor practical for the appellant. However, the application and this appeal includes their demolition and replacement with a new building. I have found that the proposed new building is unacceptable for the reasons stated above and therefore, the demolition works in isolation is a cause for concern given the likely impact of their removal without an acceptable scheme for replacement.
15. I have considered all matters raised but none alter my conclusion. I conclude that the proposed demolition and replacement garage/workshop/store would neither preserve or enhance the character or appearance of the Conservation Area. Furthermore, the proposed building and the demolition of the lean-to buildings and wall would have a harmful effect on the significance of the non-designated heritage assets. The proposal would conflict with Local Plan policies DM38 and DM41 and the Framework and therefore the appeal fails.

J D Clark

INSPECTOR