



Appeal Decision

Site visit made on 21 March 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2022

Appeal Ref: APP/C9449/D/22/3290922

Hill Top Barn, Pasture Road, Embsay, Skipton, BD23 6PN

- 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 Jonathan Lister against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/26/195J, dated 11 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is a single storey rear extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a converted traditional barn located in a cluster of development comprising former agricultural buildings and a farmhouse within the Yorkshire Dales National Park. It is at the western end of a short row of three properties and is built of random stone rubble in two parts, with the roof of the western section set at a lower level.
4. Although the building is not listed, due to its age and former use it is regarded by the Authority as a non-designated heritage asset. Whilst the appellant disputes this status, and indicates that the building is not on a local list, I am mindful that there is no statutory listing process for non-designated heritage assets nor any formal definition of them in the National Planning Policy Framework (the Framework). The National Planning Practice Guidance¹ (the Guidance) indicates that non-designated heritage assets are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
5. I am unaware as to whether the Authority has followed the advice in the Guidance² in identifying the appeal building as such, however, the Guidance is clear that in some cases local planning authorities may also identify non-

¹ Paragraph: 039 Reference ID: 18a-039-20190723

² Paragraph: 040 Reference ID: 18a-040-20190723

designated heritage assets as part of the decision-making process on planning applications.

6. I understand that much of the south elevation of the barn was rebuilt when it was converted into a dwelling. The appellant indicates that it is of a modern cavity wall construction and that few of the openings on the building's south wall retain their original size or form. Notably the large rectangular openings were replaced by the arched openings which are evident today. I also appreciate that other original features including external stone steps and stone lintels were removed at that time. Furthermore I accept that domestic features (including solar panels, a chimney stack, and a domestic curtilage) have been introduced.
7. Nevertheless, despite the works and alterations undertaken to facilitate its residential occupation, the appeal building has been for the most part sympathetically converted and retains much of its traditional agricultural character and form including some of its historic features.
8. Based on the evidence before me, and my own observations on site, despite the conversion works and the introduction of domestic features, I find that the significance of the appeal building as a non-designated heritage asset, in so far as relating to this appeal, is mainly derived from its simple linear form and functional proportions, the evident phases of its development in two parts, as well as its architectural features and historic detailing. These are all integral to the rural charm of the building.
9. The proposed single storey extension would be around 3.4 metres deep by 5.4 metres wide and would be constructed on the property's south facing elevation using natural stone and slate to match the existing building. It would project well back from the wall of the host building into the garden area, thereby creating an L shaped layout which would be directly at odds with the simple linear form of the former agricultural building and its characteristic historic layout.
10. Whilst the proposal would have a lean-to form, with a different roof level and pitch to that of the host property, its roof would nevertheless extend almost right up to the eaves level of the appeal building. This being so, despite being set in slightly from the building's western gable end, due to its bulk and siting it would cover the majority of the western end of the appeal property's southern elevation and obscure almost all of the smaller western former barn building. In doing so it would completely overwhelm and dominate it. It would also extend eastwards beyond where the smaller barn adjoins the larger barn, such that it would uncomfortably straddle the two distinct parts of the historic building. Furthermore, it would partially conceal the vertical band of distinctive stone quoins which signal where the two buildings were joined together.
11. Whilst the quoins would not be removed, they would be somewhat obscured by the proposed extension and would not be clearly evident as a result. Thus the proposal would seriously hamper the appreciation of this historic feature, and undermine the important distinction between the two elements of the building. This would erode the ability to understand the building's historic adaptation, development and phasing over time.
12. The proposed extension would also completely obscure the large glazed opening on the western barn. Despite not being an original feature in its

arched form, the size and nature of that former cart door opening nevertheless tells of the building's former agricultural use and function. The loss of this opening, and its replacement with the modern extension, would further dilute the rural character of the barn.

13. Although the Authority considers the south side of the barn to be its primary elevation, the appellant disagrees. I acknowledge that how the barn has been accessed and what could be considered to be its principal elevation is likely to have altered over time, including in relation to how the appeal building and the other buildings nearby were used. Regardless of this matter, the proposed extension would be prominently located on the appeal property's southern elevation and highly visible from the nearby countryside to the south including from the adjacent public right of way there.
14. Taking all these factors into account, for the reasons set out above, I find that the proposal would be an unduly large and dominant addition. Its overtly domestic design, with two roof lights and glass bifold doors would further add to its unsatisfactory visual impact. Although I accept that the proposal would not affect the hierarchy of the three attached properties, in causing harm to the appearance of the host property, it would also appear as an obtrusive addition in the context of the generally rural character of the surrounding countryside within the National Park.
15. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the host property and its significance as a non-designated heritage asset, as well as to the character and appearance of the surrounding area.
16. The appellant refers to the existing extension to the south elevation of adjacent Heather Cottage which adjoins the appeal property to the east. The merits of that existing development are not before me for consideration and I am not aware of the full circumstances that led to its approval. Nevertheless, I saw at my visit that Heather Cottage has a different character to the appeal building and due to its two storey height and pattern of fenestration relates more closely to the adjacent farmhouse to the east.
17. Whilst the existing extension at Heather Cottage takes up much of that property's southern elevation, it is smaller than the appeal scheme and set well down from the eaves below the first floor windows. Additionally, in contrast to the appeal property, Heather Cottage is located in the middle of the row of properties such that the extension is sited less prominently. It is also screened to some extent by the boundary fencing/treatments. As such, that existing development does not justify the appeal scheme and is not a reason to allow development that would be harmful.

Planning and heritage balance

18. The Framework considers non-designated heritage assets at paragraph 203 and indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. Whilst not part of the reason for refusal, or considered in the officer's report, I am also aware that the site is within the Embsay Conservation Area. I am mindful of my statutory duty in this regard and have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
20. The character and appearance of the conservation area includes the traditional buildings that make up the linear settlement and their rural surroundings. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality and interest of the historic rural buildings including those previously used for agriculture, and their strong relationship with the surrounding countryside. As a former traditional barn building, the appeal property contributes positively to the historic character and appearance of the conservation area. Given my findings in relation to the main issue in this case, I confirm that the proposal would fail to preserve or enhance the character or appearance of the conservation area.
21. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
22. The extension would provide an enlarged kitchen area that the appellant considers would be consistent with the size of the property and would meet the needs of modern day living. This is a benefit of the proposal to the appellant. The appellant also considers that the proposed extension would screen views of the existing seating area and domesticated south elevation of the appeal property in views from the west. However, I am not persuaded that the current domestic use of the building or this open area detracts unduly from the character and appearance of the building or the area. Thus, I do not regard this to be a significant benefit of the proposal.
23. No other public benefits have been put forward which would outweigh the harm to the designated heritage asset I have identified. Thus, I find that overall the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have identified. I also confirm that the benefits of the scheme are insufficient to outweigh the harm that would arise in relation to my conclusions on the main issue in this case.
24. Thus the proposal would be contrary to Policy SP1 of the Yorkshire Dales Local Plan (Local Plan) which requires new development to contribute positively to the built environment and have regard to the site context. It would conflict with Local Plan Policy SP2 which permits development that furthers the statutory National Park purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage, and with Local Plan Policy SP4 which requires development to be informed by and respond positively to the site and surrounding context, and to conserve or enhance the architectural, and historical character and appearance of the site and its setting.

25. The proposal would also fail to support Local Plan Policy L1 which states that proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance, and that development proposal affecting undesignated heritage assets will be permitted where their significance will be conserved. However, I see no conflict with Local Plan Policy L3 which concerns proposals for the conversion of traditional buildings to new uses, and not proposals for their subsequent alteration as is the case in this appeal.
26. Additionally the proposal would be at odds with the Yorkshire Dales National Park Design Guide which indicates that house extensions should respect and retain the character of the original house in the vast majority of cases, and that additions should respect its style, mass and proportions and follow or complement its architectural design. Furthermore there would conflict with paragraph 176 of the Framework which indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, paragraph 130 of the Framework which requires new development to be sympathetic to local character and history, and the requirements of the Framework with regard to heritage assets.

Other matters

27. The proposal was reduced in scale following pre-application advice from the Authority which supported a more modest extension. I also understand that the appellant has considered an alternative extension on the west gable of the barn but ruled it out as it would impact on turning space for vehicles. However, whilst these are matters between the Authority and the appellant, I am mindful that the pre-application advice provided does not bind the Authority in respect of determining any formal application. I confirm in any event that I have considered the appeal proposal on its individual planning merits and made my own assessment as to its potential impact.
28. The proposal also includes other alterations including a new velux window and the enlargement of an existing window. The Authority raises no objections to these, but given my findings in relation to the main issue in this case it has not been necessary for me to consider them further.

Conclusion

29. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR