



Appeal Decision

Site visit made on 11 April 2022

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/T2350/C/19/3242517

Bolton Peel Farm, Bolton by Bowland Road, Bolton by Bowland, Clitheroe BB7 4NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr D Huyton against an enforcement notice issued by Ribbles Valley Borough Council.
- The notice was issued on 8 November 2019.
- The breach of planning control as alleged in the notice is without planning permission, the erection of an open sided timber shelter with timber decking floor attached to the eastern elevation of an existing barn in the approximate position shown cross-hatched on the attached plan no. 2.
- The requirements of the notice are: (i) remove the building and the decking; (ii) remove from the land all building materials and rubble arising from compliance with requirement (i) above, and restore the land to its condition before the breach took place by re-seeding and re-planting as appropriate.
- The periods for compliance with the requirements are: (i) 12 weeks, (ii) 24 weeks.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed application

2. Bolton Peel Farmhouse is a C17 Grade II* Listed building which forms the centrepiece of a historic farm building complex sited adjacent to Bolton by Bowland Road. The farmhouse has sandstone walls and a stone slate roof and important features of the front elevation include the 2-storey gabled porch and extensive mullioned windows. When viewed from the adjacent road, the farmhouse forms part of a prominent and aesthetically very pleasing group of buildings, which includes the traditional stone barn to the south, the Grade II Listed barn to the north and the Grade II Listed Bolton Peel Cross sited adjacent to the front garden gate. The appeal site is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).
3. The main issues in this case are the impact of the development on the setting of the adjacent listed buildings and on the AONB landscape.
4. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 imposes a duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5. This is reflected in the Ribble Valley Core Strategy (RVCS) and in the National Planning Policy Framework (NPPF), which advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be – in this case the Grade II* Listing indicates considerable weight should be attached). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
6. The timber shelter which is the subject of the notice is attached to the eastern (road-facing) elevation of the barn to the south of the house by a timber wall plate. It is around 4m wide by 3.5m deep and around 3.5m high to the top of its shallow-pitched, lean-to roof, whose surface has the appearance of felt shingles. It has a raised decking floor and the side elevations are partly enclosed by timber boarding.
7. The construction of the shelter appears to have entailed little physical damage to the historic fabric, including any potential archaeological interest of the ground below it. However, the shelter is very conspicuous, jutting forward of the barn in a position close to the principal elevation of the farmhouse. The domestic form of the shelter and its incongruous shallow pitch roof design and materials have a harmful and unacceptable impact on the setting of the farmhouse and its underlying character as a traditional working farmstead.
8. In this case, I assess the harm to the significance of the heritage asset as being 'less than substantial' in NPPF terms. This indicates that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
9. The appellant has pointed to the fact that the only domestic garden area is to the front of the farmhouse, as it is a working farm to the rear. As such, this is the only available area in which his children can play and there is a need for shelter in wet weather. However, whilst this is understandable, it does not amount to a public benefit and does not in my view outweigh the clear harm resulting from the development. The appellant has indicated that the development is temporary (although no timescale has been suggested) but I regard the harm to be so significant that the retention of the structure, even for a short period of time, would be unacceptable.
10. The appellant has suggested that either the erection of a portable gazebo or the establishment of screen planting would be more harmful than the retention of the shelter but those do not appear to be subject to planning control and, as such, could be carried out in any event. I have seen no clear and convincing justification for the development and, accordingly, on the first main issue, I conclude that the shelter unacceptably harms the setting of Bolton Peel farmhouse and the adjoining building group, contrary to the aims of the development plan and of national guidance.
11. On the second main issue, the NPPF indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in

relation to these issues. This is reflected in Key Statement EN2 of the RVCS, which indicates that, in the AONB, development will be expected to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.

12. Traditional farmsteads are an integral part of the rural landscape and, as such, insensitive forms of development detract from the character of the landscape and the cultural heritage of the area. I regard the shelter as incongruous in this context and prominent in public views of the farmstead and, as such, it harms the scenic quality of the AONB landscape, contrary to local and national policy guidance.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

B S Rogers

INSPECTOR