



Appeal Decision

Site visit made on 16 November 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/Z2315/W/22/3303538

**Land and buildings at Ingham House Farm, Halifax Road, Briercliffe
BB10 3QU**

- 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 M O' Donnell against the decision of Burnley Borough Council.
 - The application Ref FUL/2021/0683, dated 10 November 2021, was refused by notice dated 8 April 2022.
 - The development proposed is conversion of existing garage and stables to two dwellings. Provision of a new access and associated garden and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the site and the area; and
 - Whether the buildings are capable of conversion and would promote sustainable development in a rural area; and
 - The effect of the proposal on the setting of the nearby listed buildings

Reasons

Character and appearance

3. The proposal consists of a range of attached outbuildings, which are located within the yard of Ingham House. This is an historic farmhouse and attached barn which are grade II listed and overlook a large, former farmyard. The site is reached by a narrow lane which provides access to a number of other properties and rural businesses. The landscape is gently undulating so that the site is raised above the lane. It is surrounded by fields with extensive views over the surrounding open countryside.
4. The proposal includes a modern garage and stable block. Attached and to the front is a traditional stone building with a stone tiled roof, reputed to date from the mid 1800's and to be contemporary with the farmhouse. Both this building and the garage and stable have a stone-built elevation that faces into the farmyard, and the garage also has a traditional stone tiled roof. The buildings are all of a modest height, and so when entering the farmyard, the buildings based on their form and materials blend into the background of the site.

5. Despite only two external elevations of the traditional stone building being visible, the building, with its historic features including the retention of early roof trusses, contributes to the character of the farmyard. These features would be removed as the proposal appears to retain little of the original structure and form of the buildings that currently exist. The development would result in the demolition of most of the internal and external walls, and the extension of the building. Therefore, the simple and unobtrusive buildings which appear agricultural in form and that currently exist, would be replaced. The increase in footprint and change in roof forms would result in a larger building, higher than the existing and domestic in character. The use of modern window openings and large areas of glazing, plus the use of fascia boards, roofing membrane and timber cladding, would introduce modern materials which would appear discordant with the traditional farmhouse and barn. This would particularly affect the elevation that would overlook the fields adjacent to where users of the footpath would walk past the building and to the setting of the site amongst the fields that surround it.
6. The use of modern materials and design as found at 'HAPPA', the riding stables, café and visitor centre that exists close to the site, and as found in the conversion of farm buildings subject to permitted development has been referred to in support of the proposal. However, whilst modern materials can be used in a rural setting, their relevance must be looked at on a case-by-case basis.
7. Although a stone-built elevation would be retained facing the farmyard, the roof form of the new building, which would appear overly modern on the site, would harm the predominant character of the existing stone buildings on the site. Whilst the garden area would not be extended out into the countryside, as it would utilise the existing garden on the site, the overall changes to the site with the introduction of more vehicles and domestic paraphernalia, would harm the rural nature of the existing site.
8. Therefore, the changes proposed to the buildings would harm the character and appearance of the site and the local area. It would not accord with Burnley Local Plan (BLP), 31 July 2018, Policies SP4, SP5 and NE3 which combined direct suitably designed development to appropriate locations that respect the landscape character of the area.

Whether the buildings are capable of conversion

9. Ingham Farm is located in the open countryside, as it is outside the small village of Lane Bottom. Policy SP4 of the BLP provides a development strategy based on a settlement hierarchy. Within this the open countryside is defined as land beyond any development boundary where development is strictly controlled.
10. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the appellant considers that the proposal is not isolated and refers to the 'Braintree' ruling¹, the proposal is physically separate to any settlement and therefore is in the open countryside. Thus, in terms of paragraph 80 of the Framework the development would result in an isolated home which should be

¹ Braintree DC v SSHCLG and Mr Mark Nicholls [2021] EWHC 651 (QB)

avoided unless certain circumstances apply. In this case it is whether 'the development would re-use redundant or disused buildings and enhance its immediate setting'.

11. BLP Policy EMP6 supports the conversion of rural buildings subject to meeting other relevant policy requirements and satisfying a number of criteria. Most relevant to the appeal are that the building is of permanent and substantial construction, is structurally sound and capable of conversion and any important architectural and historical features are retained; and that the conversion can be carried out without major extensions to the existing building.
12. Whilst the appellant considers that the building is of permanent and substantial construction and structurally sound, no structural appraisal of the building has been provided. The extent of the works, which would only retain one wall of the small historic building, would result in significant extensions and large-scale alterations to the building so that the form and ground plan of the building are no longer comparable. Although the small, pitched roof building has been identified as having a negligible value in its current setting, the removal of all but one wall and the removal of the roof timbers would not satisfy the requirements of Policy EMP6 1) a) that any important architectural and historical features are retained. As I have already found that the development would cause harm, the proposal would also not enhance the immediate setting of the site as required by paragraph 80 c) of the Framework. Instead, the proposal would equate to a major rebuild rather than the re-use of redundant or disused buildings which would be contrary to both local and national planning policy.
13. Therefore, it has not been demonstrated that the buildings are capable of conversion and would promote sustainable development in a rural area. It would not accord with Local Plan Policies SP4 and EMP6 and paragraphs 79 and 80 of the Framework.

Setting of listed buildings

14. Ingham House, which dates to the 18th century with later alterations, adjoins and has been integrated with the attached barn, which is probably of 16th century date. Both buildings are jointly listed grade II. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when considering whether to grant planning permission for development affecting a listed building or its setting, that there must be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case Ingham House and the barn, great weight should be given to the asset's conservation.
15. The significance of the listed building is that the barn has a complete post and truss timber frame and represents an important example of a surviving Lancashire aisled barn, in association with a later farmhouse. The site demonstrates the importance of agriculture and the use of the surrounding land for such purposes over a considerable period of time.
16. The side elevation of the barn is located on a raised area above the lane below, and with the adjoining farmhouse, the buildings frame one side of the farmyard. Although the appeal buildings are an eclectic mix, their stone

construction on the front, and their low height, set against the open yard, allows the listed buildings to stand out and be appreciated both visually and historically within the overall site. Consequently, this rural setting makes a contribution to the significance of the listed building.

17. This visual balance between the existing buildings in the farmyard would change with this proposal. Whilst the current buildings blur into the background and have a neutral affect on the listed buildings, the changes proposed would be more visually dominant within the farmyard setting. The change from the incidental use of the buildings that currently exists, to a residential use with landscaping and the domestication of this area of the site, would harm the relationship between the buildings on the site. Whilst the proposal is sited away from the listed buildings, they are viewed and appreciated within a relatively small area around the farmyard. Although the proposal would not directly harm the listed buildings, it would fail to preserve the setting of these buildings, and the contribution that it makes to the significance of that building. In addition, a new building on the site would distract from the listed building.
18. Although it has been considered that the current buildings detract from the surroundings and setting of the farmhouse and barn and that the works would have a neutral effect on the significance of the listed building, the changes to the buildings with the proposed design and materials, would overall harm the setting and significance of the listed buildings.
19. Therefore, the proposal would harm the setting of the listed buildings and would not accord with Policy HE2 of the BLP which seeks to conserve and enhance heritage assets and their setting. It would also not accord with chapter 16 of the Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

20. The Council has stated that they have more than 5 years supply of deliverable housing sites. Whilst paragraph 69 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, the provision of two additional units would not make a substantial difference. The Council has also decided that the need for housing is within the urban areas where there would be greater access to facilities. The creation of well-designed buildings that are appropriate to the character of the area and do not harm heritage assets is an important aspect of sustainable development. Whilst the provision of two houses would provide some economic benefits, the overall harm to the character and appearance of the area and the other harms that have been identified would not achieve the environmental objectives required to achieve a sustainable form of development. The conflict identified with the development plan is therefore not outweighed by other considerations including the contribution of this small site to meeting the borough's housing requirement.
21. Whilst the appellant considers that the building works to convert the building would provide a valuable contribution to the local economy, introduce high standards of energy efficiency and provide a long-term viable use of the buildings, these do not outweigh the harm that I have identified.
22. An ecology survey was undertaken, and some evidence of bats was found resulting in recommendations for mitigation and the enhancement of

biodiversity. However, as I am dismissing the appeal, I have not considered this further.

23. A new driveway has been built to ensure that traffic does not affect the occupiers of the farmhouse and adequate parking would be provided. Whilst a condition for an electric vehicle charging point has been recommended, as I am dismissing this appeal, I do not need to consider any relevant conditions.
24. A public right of way runs through the farmyard and through the field adjoining the proposal, whilst a further one runs to the south. Notwithstanding that I have dismissed the appeal, the proposal would have no effect on the public right of way and the ability for users to access it.
25. It has been pointed out that the living conditions of occupiers and the surrounding dwellings is acceptable. This is not a matter of dispute and does not affect the outcome of this decision.

Conclusion

26. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
27. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

