

Appeal Decision

Site visit made on 25 November 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 March 2023

Appeal Ref: APP/P2935/W/22/3304913

**Lynn View, Limestone Brae, Carrshield, Hexham, Northumberland
NE47 8AL**

- 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 Joseph Colin Reed against the decision of Northumberland County Council.
 - The application Ref 21/03532/FUL, dated 25 August 2021, was refused by notice dated 30 March 2022.
 - The development proposed is restore and re-build existing derelict dwellings to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Joseph Colin Reed against Northumberland County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application that is the subject of the appeal was determined under the previous local plan which was superceded by the adoption of the new Northumberland Local Plan 2016-2036 (NLP) on 31 March 2022. That being the case, I have assessed the main issues of the appeal against the relevant policies of the NLP.

Main Issues

4. The Council's fourth reason for refusal related to ecology. In response, the appellant submitted a Preliminary Ecological Appraisal which satisfied the Council's concerns on this matter. As a result, they have withdrawn their objection to the development on this ground.
5. Therefore, the remaining main issues are:
 - the effect of the development on the significance of the non-designated heritage asset;
 - the effect of the development on the character and appearance of the site and the surrounding countryside; and

- whether the proposal would comply with the relevant local and national policies for residential & tourism-related development in the open countryside.

Reasons

6. The appeal site is located in the North Pennines Area of Outstanding Natural Beauty (AONB) and is in the open countryside for planning purposes. On site is a derelict range of buildings comprising the remains of a bastle house to the north-west, with later phases of construction to the south-east. It is proposed to convert the barn and hayloft at the south-east end for use as a holiday let, with the remainder of the site being developed for use as a permanent dwelling. A free standing new building would be constructed for workshop and agricultural storage uses.

The non-designated heritage asset

7. Paragraph 203 of the National Planning Policy Framework (NPPF) indicates that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determination. In weighing proposals 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. NLP Policy ENV 1 recognises that assets with a lower designation or which are non-designated can still be irreplaceable. They may have qualitative attributes that warrant giving them the appropriate protection in-situ
8. The site appears in the Historic Environment Record (HER), ref: N6315, as 'Linn View, West Allen'. The bastle section is estimated to date from the early 17th century, with the subsequent phases identified as a later 17th or early 18th century farmstead. A further extension was added in the later 18th century, and the building may have been occupied by people working in the local mines. The entry states that 'Although now in a ruined state this is a good example of a bastle in Allendale'. Another structure within the red line boundary has been identified as an overturned medieval socketed stone cross base.
9. The appellant argues that the significance of the appeal site as a bastle has been largely lost, on the basis that most of the typical features that identify this building type have disappeared. Whilst much of the fabric has gone, it is clear from the HER entry that the building was considered of sufficient historic interest to be recorded even though it was already a ruin at the time of the survey in 1995.
10. In the remnants of a building of such an early date, the fabric itself is likely to represent a physical artifact that adds to the significance of the asset. Even in its derelict state, much of the interest of the bastle remains in the subtle detailing that is not accounted for in the appellant's submissions. On my visit, for example, I saw that the internal face of the gable end steps slightly in as it rises. As a result, the wall is thinner at the top than at the base. There are also little niches and internal features that are part and parcel of the heritage interest of the structure, and speak to its layout and function.
11. NLP Policy ENV 7 states that decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset. In this particular case, I would expect an investigation of the structure to be carried out by a

person with knowledge of this specific building type in order to understand fully its significance. In the absence of such information, it is not possible for me to make a full and proper assessment of the effect of the proposed development on the significance of the non-designated heritage asset. For example, new window openings are proposed within the historic masonry, and it is not clear from the submissions whether any features or importance might be lost as a result.

12. Taking the building at face value, I saw that several cracks have developed in the masonry, and the structure generally appears to be quite fragile. In the absence of a structural survey, I cannot be certain that all of the standing fabric would survive the conversion process. For example, there is nothing to show that the gable could take the increased loading of a new roof in its current condition. Whilst it may be possible to rebuild without damage or adverse effect to the historic structure, I cannot be sure of this outcome without a full structural survey or method statement before me to demonstrate that it would be feasible.
13. Drawing these factors together, I find that it has not been satisfactorily demonstrated that the proposed development would preserve the significance of the non-designated heritage asset. Conflict therefore arises with NLP Policies ENV 1 and ENV 7, and with the NPPF.

Character and appearance

14. NLP Policy ENV 6 relates specifically to development within the AONB and sets out a list of its special qualities which are to be taken into account. Of these, the relevant criteria include: the openness of the landscape and its sensitivity to development; the need to sustain and enhance the significance of heritage assets, including any contribution made by their setting; and a sense of remoteness, wildness, tranquillity and dark skies.
15. Notwithstanding the comments above in relating to the heritage considerations, the development would largely reinstate the historic envelope of the main building, which is to be welcomed.
16. The Council's document entitled 'North Pennines AONB Building Design Guide' (BDG) sets out design principles for new buildings and the alteration of existing buildings in the area. It advises that in traditional buildings, the structural elements consisted of heavy load-bearing walls punctured by openings for windows and doors. Historically, the size of openings would be governed by the availability of materials, for example, the simple span of a stone slab for a lintel.
17. As a result, vernacular buildings in the area are characterised by a proportion of solid to void whereby the solid masonry is the dominant element and fenestration openings are relatively small. In the main, the proposal would respect this characteristic by reusing existing openings, and introducing new openings that generally reflect the size of those existing.
18. The north and east elevations contain larger squarish openings on the ground floor. It is proposed to infill these with full height glazed panels. Although this would not be typical of the vernacular fenestration in the AONB, it is a simple and effective design approach where these bigger openings have already been introduced.

19. However, I am concerned about the visual impact of such a modern intervention in the parts of the building where there is little evidence that such large openings previously existed. These areas include the gap in the south elevation where the masonry has collapsed. Here, four full height glazed patio /bi-fold doors would be inserted on the ground floor. At first floor level, two sets of three full height glazed panels would be installed. On the north elevation, a further three full height glazed panels would be inserted above the main entrance.
20. These disproportionately large areas of glazing would be harmfully at odds with the traditional appearance of rest of the building, where the typical ratio of solid to void would be preserved. They would significantly change the character of the site, introducing starkly modern interventions that would dominate the appearance of the facades. The appellant argues that this glazing would not be visible from any public vantage point. However, there is nothing in the wording of the policies to indicate that this is a determinative matter. In any event, heritage assets are to be protected for their intrinsic character.
21. The appellant states that the new glazing would maximise solar gain to the property. Conversely, when the rooms were lit at night, such large areas of glazing would seem to me to be contrary to the aim of NLP Policy ENV 6 to retain dark skies in the AONB.
22. The proposed new outbuilding would be located to the north east of the main building, at the furthest point from the access to the property. According to the proposed plans, it would comprise a barn on the ground floor and a hayloft above within the roof structure. It would have a roller shutter and a hayloft door above in one gable elevation. The main south and north elevations would have a series of windows and rooflights, with another door in the south elevation. The ground floor would be faced in natural stone, the gables would be timber boarded, and the roof slopes would be finished in slate.
23. In terms of size, the new building would have a footprint of approximately 8m by 16m and would rise to a height of just over 8.4m. Whilst the dimensions of the main building are not given on the plans, it appears from the proposed block plan that the footprint of the new outbuilding would be at least comparable to that of the new principal dwelling. That factor, in combination with the uncharacteristically large roof and overall height of the new structure, would result in a development that fails to achieve subservience to the main building.
24. The BDG states that whilst there is no requirement for new agricultural buildings to imitate directly earlier styles, their siting and design should minimise their impact on the landscape. However, due to the dimensions and distribution of the new windows and doors, and the large roof, the new building would have a distinctly domestic appearance that would visually be at odds with its stated purpose. Whilst the use of natural materials is to be welcomed in principle, there is little evidence that timbered gables are typical of outbuildings within the AONB. The building would therefore appear strikingly out of character with its rural surroundings, contrary to the adopted design guidance.
25. The appellant argues that the outbuilding is needed for the on-going management of the holiday let, and the 20 acres of land in his ownership.

However, there is no evidence that these needs could not be met through a more sympathetically designed scheme. That being the case, a grant of permission for the outbuilding as currently proposed would not be justified.

26. I have taken into account the appellant's fallback position whereby a similar building could be erected for agricultural purposes as part of the management of the holding. The appellant is free to pursue the construction of such a building under the prior notification procedure. However, there is little evidence that such a building would be more harmful than the proposed outbuilding. This circumstance has therefore not led me to a different conclusion on the proposal before me, which falls to be assessed against the development plan policies.
27. In conclusion then, I find that by virtue of their unsympathetic appearance, the proposed new outbuilding and the excessive use of glazed panels within the main building would unacceptably harm the significance and setting of the heritage asset, and also the character and appearance of the AONB. Conflict would arise with NLP Policies ENV 1 and ENV 6, and the guidelines of the BDG.

Development in the open countryside

28. NLP Policy STP 1 sets out a spatial strategy for sustainable development across the county. It provides that development in the open countryside will be supported subject to a number of criteria. In addition, development in the open countryside must be sensitive to its surroundings, not have an unacceptable impact upon the local road network, and use previously developed land where opportunities exist.
29. NLP Policy HOU 8 states that the development of isolated homes in the open countryside will be supported if, amongst other criteria, it represents the optimal viable use of a heritage asset, or re-uses redundant or disused buildings whilst enhancing its immediate setting. These criteria reflect those in paragraph 80 of the NPPF.
30. NLP Policy ECN15 seeks to promote and develop Northumberland as a destination for tourists and visitors, whilst recognising the need to sustain and conserve the environment and local communities. In the open countryside, visitor accommodation is to be limited, where possible, to the reuse of buildings that are structurally sound. Tourism related developments that enhance the environment or bring neglected or underused heritage assets back into appropriate economic use will be strongly supported.
31. The development would comprise a mixture of permanent residential and holiday accommodation. For each of these uses, the wording of the policies is slightly different. As above, in the open countryside, visitor accommodation should, wherever possible be limited to the reuse of buildings that are structurally sound. In this case, the proposed visitor accommodation would be confined to the end of the building where the walls and roof are intact. There is little evidence of a need for a substantial rebuild of this section. Moreover, this element of the scheme would arguably be part and parcel of an overall development that would, in principle, bring a neglected heritage asset back into an appropriate economic use.
32. With regard to the remainder of the building, Policy HOU 8 sets out five criteria that would attract support for isolated homes in the open countryside.

Crucially, these criteria are separated by the word 'or' and are therefore disjunctive. In other words, the policy is complied with if only one of them is satisfied.

33. The Council's concern turns on the word 'reuse' within criterion 1.c., whereby they argue that a building cannot be said to be reused if it needs to be substantially rebuilt. There is no specific requirement for a structural survey to be submitted, and so this matter would fall to be considered on a fact and degree basis. However, if a proposal would represent the optimal viable use of a heritage asset, then criteria 1.b. would have been met, and that proposal would comply with Policy HOU 8.
34. In terms of the principle of development, I find that the proposed scheme is supported by the policies referred to. The proposal would add a dwelling to the housing supply and would support the Council's tourism and rural enterprise objectives by providing a new unit of holiday accommodation, and some ancillary space. However, these moderate benefits would not outweigh the potential for the loss of significance of the non-designated heritage asset, or the harm to the character and appearance of the surrounding countryside.
35. In view of this harm, I conclude that the development conflicts with the final limb of NLP Policy STP 1, requiring that it should be sensitive to its surroundings, and with the aim of NLP Policy ENV 6 to protect the AONB. In the absence of any compelling reason to set aside these requirements, I find the harm to be unacceptable.

Other matters

36. I have been directed to Policy ANDP 8 of the Allendale Neighbourhood Development Plan (ANDP), which supports the demolition and reconstruction of existing derelict, disused, abandoned and dilapidated buildings in the open countryside which were originally permanent structures and of substantial construction. However, as the appeal site lies outside the ANDP area, it would not be appropriate to consider the scheme against its policies.
37. My attention has been drawn to planning permission ref: 21/00849/FUL, which was granted on 21 April 2022 for the dismantling of a ruined house and outbuilding, and the erection of a new house. I have not been provided with the planning officer's report for this application, and so it is difficult to be certain of the circumstances in which the proposal was found to be acceptable.
38. However, from the planning statement that accompanied the application, it appears that the ruined building was not considered to be a non-designated heritage asset. It is also evident that the application site fell within the ANDP area and was therefore subject to the relevant policies.
39. These two circumstances alone indicate that the two cases are materially different, which limits the weight I can attribute to permission ref: 21/00849/FUL in my assessment.
40. The appellant also points to the lack of objection by the North Pennines AONB. However, each case is to be assessed on its merits, and so this circumstance is neutral in my consideration.

Conclusion

41. For the reasons above, I conclude that the development proposal conflicts with the development plan as a whole and with the NPPF, and so the appeal should be dismissed.

Elaine Gray

INSPECTOR