
Appeal Decision

Site visit made on 14 February 2023

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/W0910/W/22/3301631

New Inn, Biggar Village, Barrow-In-Furness LA14 3YG

- 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 and Mrs Fox against the decision of Barrow-In-Furness Borough Council.
 - The application Ref B13/2021/0813, dated 27 September 2021, was refused by notice dated 19 January 2022.
 - The development proposed is described as 'Convert the current garage/storeroom and modern annex to a separate two storey, three-bedroom dwelling within the existing building footprint minimising the external and internal changes to the historical portion of the listed building'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal relates to the New Inn, a Grade II listed building situated in the Biggar Village Conservation Area. The evidence refers to an application for listed building consent for works to the New Inn in respect of the appeal scheme. However, I confirm that the appeal before me concerns only the application for planning permission and that there is no appeal in respect of an application for listed building consent.
3. The appellants have referred to works to the New Inn having been granted listed building consent by the Council for works described as 'alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with additions of rooflights'¹. This listed building consent is for a different scheme to that before me, and I shall determine the appeal scheme on the basis of the plans as refused permission by the Council.

Main Issues

4. The main issues are:
 - the effect of the scheme on the special architectural and historic interest of the listed building, and on the character and appearance of the Biggar Village Conservation Area; and

¹ Reference B23/2022/0152

- whether the appeal site would be a suitable location for housing for the purposes of the development plan.

Reasons

Special architectural and historic interest

5. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant planning permission for development which affects a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. Paragraph 199 of the National Planning Policy Framework (NPPF) says 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.
6. The appeal relates to a house, which was formerly an Inn. The listing description states that the building is dated 1758. The building has a linear form, formed of a house of 2 storeys and 2 windows to 1st floor, with an elongated range. The proposed new dwelling would be formed within the elongated range, which is a twentieth century alteration to the building in blockwork, with modern dormers and a porch. The significance of the listed building is essentially derived from its architectural quality and historical importance.
7. The Biggar Village Conservation Area covers the historic core of the village. The village has a rural character and appearance, with the buildings arranged tightly around the irregular street pattern. Buildings are typically two storey in height, with natural stone or rendered external walls.
8. The proposal is to form a dwelling within the modern annexe/garage/store part of the building. The various internal works necessary, blocking of an existing opening, removal of a spiral staircase and the insertion of new stairs and internal walls within the twentieth century alteration would not give rise to harm to the significance of the listed building. However, a number of changes are proposed to the south east and north west elevations. In respect of the south east elevation, whilst the modern dormers and porch would be removed which would be a benefit, the new combined windows and rooflights would introduce a new incongruous feature into the elevation. In addition, the overall combined effect of the new openings proposed to the building, and the addition of a new chimney are such that the building would lose its subservience to the original part of the listed building, and its relatively simple form would be disrupted. Together, the changes proposed would harm the significance of the listed building.
9. The appeal scheme would give rise therefore to less than substantial harm to the listed building. Additionally, whilst most of the changes proposed would have limited visibility from the wider Conservation Area, they also would give rise to some minor harm to the significance of the Conservation Area.
10. The NPPF in paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset,

this harm should be weighed against the public benefits of the proposal. In this case the appellants have put forward a number of potential public benefits which I have taken into account. In particular, the proposal would give rise to an additional dwelling to help meet housing need and would support the existing community, would have some unquantified economic benefit in terms of construction works, and would make a more efficient use of an existing building. However, the Act requires me to attach considerable importance and weight to the harm caused to the significance of the listed building, and I do not find that the public benefits outweigh the less than substantial harm found.

11. To conclude on this matter, the appeal proposal would give rise to unacceptable harm to the significance of designated heritage assets, contrary to Barrow-in-Furness Local Plan 2016-2031 (BiFLP) Policy HE1 which is concerned with protecting and enhancing the significance of the Borough's heritage assets, Policy HE2 which is concerned with information required for proposals involving heritage assets, Policy HE4 which is concerned with development preserving or enhancing Conservation Areas and Policy H7, which is concerned amongst other things with proposals not harming the historic environment, and the proposal conflicts with national policy as set out in the NPPF.

Suitable location for housing development

12. In terms of the BiFLP, Biggar Village is considered as being in the open countryside where Policy H5 Residential Development in the Open Countryside applies. Policy H5 sets out that new housing in the open countryside will only be permitted where the Council is satisfied that the proposal meets specific local needs, including provision for rural workers, replacement dwellings, temporary accommodation to support a new rural enterprise and conversions. The appeal proposal, whilst it is a conversion scheme, does not relate to a redundant or disused building, and therefore does not fall within the exceptions set out in Policy H5, and consequently conflicts with it.
13. The proposed scheme would provide an additional dwelling, but is not located within a development cordon identified in Policy H4, falling within the open countryside, and in any event, I find that the scheme would harm the historic environment and designated heritage assets, so it does not accord with BiFLP Policy H7 Housing Development.
14. The appellants argue that the sustainability appraisal undertaken for the local plan and the decision to remove the previous development cordon for Biggar Village in that plan were flawed. However, whilst I have regard to the comments in respect of flood risk, I must determine the appeal on the basis of the adopted development plan, which does not define a settlement cordon for Biggar Village.
15. I saw at my site visit that Biggar Village, despite its size, offers few community facilities and amenities for residents. The nearest facilities, including local shops are at Vickerstown, with more extensive facilities in Barrow-in-Furness. The roads linking Biggar Village to Vickerstown do not have footways and are not lit. Despite the presence of the England Coast Path, given the nature of the road network, and the absence of public transport, future residents of the proposed dwelling are likely to be reliant upon the private car for transport and accessibility to services and facilities. I note that the village is served by online shopping services but that does not lead me to a different conclusion. BiFLP

Policy I4 sustainable travel choices requires that development will be accessible by a range of sustainable travel options, including walking, cycling and public transport. The appeal scheme conflicts with this Policy.

16. I have had regard to the policies of the NPPF referred to by the appellants, but they do not lead me to a different conclusion. In particular, whilst NPPF79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, the BiFLP sets a clear strategy for development in the countryside. Furthermore, whilst I have taken into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas as per NPPF105, this does not lead me to a different conclusion.
17. To conclude on this matter, I find that the appeal scheme conflicts with BiFLP Policies I4, H5 and H7, and would give rise to harm through the creation of a new dwelling in a location inconsistent with the BiFLP where residents would be dependent on the use of the private car for most day to day needs, and national policy as set out in the NPPF.

Other matters

18. I take into account that the appeal proposal would provide an additional dwelling making a modest contribution to meeting housing need and helping to sustain the village, and would make more effective use of an existing building and land. It would also give rise to some unquantified economic benefits during construction. I also have regard to the findings of the Flood Risk Assessment and that the appeal building falls in Flood Zone 1, and whilst there is a possibility that flooding may affect access to the village, which is situated on Walney Island, during a severe high tide and storm surge, any such effects are likely to be short-lived, and that the new dwelling would meet the M4(2) standard of the Building Regulations. However, these matters do not lead me to a different conclusion.

Conclusion

19. For the reasons set out above, I conclude that there are no material considerations which outweigh the conflict identified with the development plan and consequently the appeal should fail.

Philip Lewis

INSPECTOR