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## 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: 9 March 2023**

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**Appeal Ref: APP/Q9495/Y/22/3305539**

**Howe Top, White Moss, Ambleside LA22 9SF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Chris Carss against the decision of Lake District National Park Authority.
  - The application Ref 7/2022/5040, dated 19 January 2022, was refused by notice dated 10 March 2022.
  - The works proposed are described as 'Installation of mezzanine decks'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The appeal relates to a barn to the east of How Top Farmhouse, a Grade II listed building situated within the English Lake District World Heritage Site. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) imposes particular responsibilities on the decision taker. Consequently, the main issue for the appeal is the effect of the scheme on the special architectural and historic interest of the listed building.

### Reasons

3. Section 16(2) of the Act requires, when considering whether to grant listed building consent for any works to 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.
4. The listing description refers to the barn as being a separate 2 storey building situated on a corner, built into hill-side in traditional manner with the upper part of the building having a ramp to the barn from the lane. It is constructed from stone rubble, with a slate roof. Whilst the barn is in the process of being converted to residential use, its significance is nevertheless derived from its architectural interest and historic importance.
5. I saw at my site visit that mezzanine decks have been installed within the building, though the proposed staircase had not been installed and the proposed alterations to the roof trusses had not taken place. The building is an excellent example of a bank barn, with a large open space at first floor level, albeit now divided by the mezzanine decks, with visible roof trusses. The open character of the first floor would be retained in the approved residential conversion scheme. The open first floor which could have been utilised for the

- threshing of crops and storage, was accessed via a cart door to the east with the door to the west, characteristic of a winnowing door, and is situated over the ground floor which would have been used for the housing of animals.
6. It is apparent that the insertion of the mezzanine decks has significantly compromised the openness of the first floor of the building. This loss of openness of the first floor would be compounded by the proposed staircase which would cut across the now glazed, former cart door opening, and would be seen prominently from within the building, and would be visible in external views. The mezzanine decks and staircase, despite the balustrades to be formed of glass, would harm the significance of the listed building, through significant loss of openness of the first floor of the building, and loss of legibility of its open agricultural form and character.
  7. It is proposed that sections of tie beams are removed from the roof trusses to facilitate access from the proposed stairs to the mezzanine decks, with parts of the beams being reused higher in the roof trusses. This would give rise to a loss of historic fabric of key structural elements of the barn and would result in the overall appearance of the roof structure being changed significantly. This would diminish the historic importance and architectural detailing of the building. Consequently, these works would harm the significance of the barn, and erode its vernacular character.
  8. 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. NPPF paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specific tests apply.
  9. The Planning Practice Guidance<sup>1</sup> states that substantial harm is a high test, and that an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. Whilst the mezzanine decks are proposed to be reversible, the harm from their insertion gives rise to the loss of openness of the first floor and the internal spatial quality as a former agricultural barn. This would be compounded by the insertion of the staircase across the glazed opening. Together with the loss of key elements of the attractive roof trusses, the harm to significance would be substantial.
  10. I take into account that the appellant has sought to bring the barn which was in poor structural condition back into use. In addition, I have regard to the stated purpose of the mezzanine decks to provide additional floorspace to facilitate home working and for the barn to function as a modern dwelling house. Additionally, I have taken into account that the proposed staircase has been designed as a piece of furniture. I also note that the appellant is using local builders, materials and suppliers and that there will be some economic benefits of the proposed works. However, these matters do not amount to substantial public benefits.

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<sup>1</sup> Paragraph: 018 Reference ID: 18a-018-20190723

11. In terms of the four tests in paragraph 201 of the NPPF, all must be met. In this case, the nature of the heritage asset does not prevent all reasonable uses of the site, which can be seen in the approved works to convert the building to residential use, there is no evidence before me that no viable use of the heritage asset can be found, and nor is the harm or loss outweighed by the benefit of bringing the site back into use.
12. There are no public benefits which outweigh the harm found, and all the tests set out in paragraph 201 of the NPPF are not met. Consequently, the appeal proposal fails to accord with the intentions behind s.16(2) of the Act, conflicts with Policy 07 Historic Environment of the Lake District Local Plan 2020 – 2035 which is concerned with conserving and enhancing the significance of heritage assets, and national policy as set out in the NPPF.

### **Conclusion**

13. The appeal is dismissed.

*Philip Lewis*

INSPECTOR