



Appeal Decisions

Site visit made on 3 April 2023

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal A Ref: APP/E0915/C/22/3308430

The Old School House, Rickerby, Carlisle, Cumbria, CA3 9AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Stuart Deadman against an enforcement notice issued by Carlisle City Council.
 - The notice was issued on 6 September 2022.
 - The breach of planning control as alleged in the notice is: Erection of a 1.2m high timber boundary fence and associated timber gates.
 - The requirements of the notice are: Remove 1.2m high timber boundary fence and associated timber gates.
 - The period for compliance with the requirement is: Three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/E0915/C/22/3308433

The Old School House, Rickerby, Carlisle, Cumbria, CA3 9AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Stuart Deadman against an enforcement notice issued by Carlisle City Council.
 - The notice was issued on 13 September 2022.
 - The breach of planning control as alleged in the notice is: Installation of above ground oil storage tank and associated concrete plinth.
 - The requirements of the notice are: Remove the ground oil storage tank and associated concrete plinth.
 - The period for compliance with the requirement is: Six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

1. Appeal A is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.
2. Appeal B is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Main Issues

3. In both appeals, the main issues are the effect of the development on the significance of the grade II listed building, including its setting, and whether

the development preserves or enhances the character or appearance of the conservation area.

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall 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. 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.
6. The National Planning Policy Framework (NPPF) sets out that heritage assets should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
7. The NPPF states that significance derives not only from a heritage asset's physical presence, but also from its setting, and makes clear that significance can be harmed by development within the setting. It defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
8. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

Significance

9. The appeal site occupies a generous plot within the historic village of Rickerby, which was designated a conservation area (CA) in 1994. The buildings in the vicinity of the appeal site are predominantly residential, built in a mixture of ages and styles.
10. The Old School House, listed at grade II, was built in 1835. It is a single storey building with ashlar sandstone walls and a slate roof. The gable facing the road contains a porched entrance with the words 'BOYS SCHOOL' above the door. A square bellcote sits on the edge of the roof above. The building has attractive stone carved detailing around the windows and doorways, as well as stone copings and prominent kneelers.
11. In addition to the building itself, remnants of its historic boundary treatment survive, including decorative railings and a number of stone piers. These items further reflect the architectural and aesthetic qualities of the building, and speak to its importance as an educational establishment within the village.
12. The listed building and its setting have undoubtedly changed over time. Nonetheless, from the evidence available to me, I consider that its significance is largely derived from its architectural interest as an early 19th century school building. Despite its modest size, its refined aesthetic treatment marks it out as a building of some status. Its age, vernacular materials and surviving external form all make important contributions in this regard. It also embodies historic,

social and communal value as a Victorian school, despite the fact that it is no longer in that use.

13. In addition, the large curtilage provides a spatial buffer to the front and side of the building and allows its principal elevation to be viewed and appreciated from the adjacent road. The land most likely supported the school by providing ample grounds and play areas.
14. This setting makes a valuable contribution to the building's significance. These aspects of the listed building and its curtilage also contribute positively to the character and appearance of the CA.

The fence and gates – Appeal A

15. The development includes runs of fencing of around 1.2m in height. The fencing is plain in style, comprising vertical posts and rails that have been stained to a dark colour. Two timber cross bar gates have been installed at the vehicular entrance to the property. The appellant explains that the fencing was erected to replace and improve upon an old dilapidated post and wire fence. There is little evidence that the previous fence added anything of value to the setting of the listed building, and so its replacement appears to be acceptable in principle.
16. I accept that the new fencing and gates are set at a relatively low level, and do not block views to or from the property. However, their design is more akin to the lower status boundary treatments used in agricultural contexts. They have a utilitarian appearance that is at odds with the fine architectural character of the listed building and the remaining elements of the historic boundary features. As a result, they harm the setting of the listed building, detracting from its significance and from the positive visual qualities of the CA.
17. My attention has been drawn to other similar developments in Rickerby. The last two pictures in the appellant's statement of case show a gate and fencing that appear to give access to a field or paddock. There is a red brick wall behind, but it is unclear what this structure is. However, this example demonstrates that a design approach that is acceptable in one location may not be a sympathetic solution in the case of a different property. In any event, each case is to be considered on its individual merits.

The oil tank and plinth – Appeal B

18. The new oil tank sits in the south-west corner of the site, close to the road. It has a capacity of around 1350 litres, measures approximately 1250mm in height, and sits on a rectangular concrete plinth. The appellant confirms that this site was chosen for ease of access from the lane. Furthermore, it is the highest point within the grounds of the house, giving the structure some protection from flooding.
19. The tank is finished in dark green plastic, a synthetic material whose smooth, shiny, modern appearance does not complement the mellow natural materials of the listed building. As a result, the development appears discordant and out of keeping with its historic context.
20. The Old School House displays the usual architectural hierarchy whereby the finest treatment of the building is focused on its frontage, in this case, the gable that faces the road. The development is offset to the side, and does not

block views of the building. Nonetheless, it is still seen in the context of this principal façade. The utilitarian appearance of the tank and plinth do not respond positively to the high aesthetic qualities of the listed building, and instead are visually jarring in this location. I therefore find that the tank and plinth harm the setting of the listed building, and in turn, the significance of the CA.

21. The appellant argues that the tank stores heating oil that is essential for the heating of the home. It was installed in accordance with the relevant regulations regarding the siting, access and maintenance of such an installation. However, these factors do not justify the harm I have identified, particularly as there may be a more sympathetic location for the tank. There is insufficient information before me to take a view regarding the flooding risks in any other potential locations for the installation.
22. I take into account the appellant's view that there is sufficient screening by hedgerows and vegetation to mitigate any impact on neighbouring properties. However, whilst the existing vegetation screens the installation as one approaches on the road from the south, the development is clearly visible from other angles, and so directly affects the significance of the heritage assets. The presence of another concrete plinth nearby does not mitigate the harm I have found.

Conclusion

23. I therefore find that the setting of the listed building and the special interest of the CA are unacceptably harmed by the developments. Accordingly, the developments conflict with the overarching statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the environmental objective of protecting and enhancing the historic environment set out in the NPPF.
24. In addition, the appeal schemes conflict with Policy HE 3 of the Carlisle District Local Plan (LP), which seeks to preserve listed buildings and their settings, and with LP Policy HE 7, which requires development to preserve or enhance the special character or appearance of CAs.
25. Although serious, the harm to the heritage assets in each case is less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the developments.
26. In the case of Appeal A, there is a benefit to the appellant in terms of replacing an old fence and forming a new enclosure to the property. However, these are private benefits which do not go in favour of the appeal scheme.
27. Turning to Appeal B, I acknowledge that an oil tank is necessary for the heating of the home. The fact that it has been correctly installed is neutral in the context of the main issues of the appeal. The appellant states that it would be unreasonable to move the tank to a new position in view of the disruption that it would cause. However, the benefits associated with leaving the structure in place would be purely private.
28. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage assets. The

developments therefore conflict with the NPPF, which directs, at paragraph 193, that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.

29. For the reasons above, Appeals A and B are dismissed, the deemed planning applications are refused, and the enforcement notices are upheld.

Elaine Gray

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/E0915/C/22/3308430	Mr Stuart Deadman
Appeal B	APP/E0915/C/22/3308433	Mr Stuart Deadman