



Appeal Decisions

Site visit made on 13 June 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal A Ref: APP/E2734/W/23/3315508

Bride Cross Farm, Timble, North Yorkshire HG3 1ST

- 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 Nick Clarke against the decision of Harrogate Borough Council.
 - The application Ref 22/04277/FUL, dated 8 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is removal of 2 no. rooflights to west-facing side elevation, replacement of 3 no. rooflights with 4 no. rooflights to north-facing rear elevation, replacement of 4 no. rooflights with 6 no. rooflights to south-facing principal elevation and conversion of stable door to window on principal south-facing elevation.
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Appeal B Ref: APP/E2734/Y/23/3315356

Bride Cross Farm, Timble, North Yorkshire HG3 1ST

- 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 Nick Clarke against the decision of Harrogate Borough Council.
 - The application Ref 22/03597/LB, dated 15 September 2022, was refused by notice dated 10 January 2023.
 - The works proposed is removal of 2 no. rooflights to west-facing side elevation, replacement of 3 no. rooflights with 4 no. rooflights to north-facing rear elevation, replacement of 4 no. rooflights with 6 no. rooflights to south-facing principal elevation and conversion of stable door to window on principal south-facing elevation.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter, using the description from the Council's decision notices. These accurately and succinctly describe the extent of development/works. The development/works subject of this appeal have been undertaken and I am dealing with the appeals retrospectively. However, I have omitted the word retrospective from the banner heading as this is not a description of either development or works.

4. As the scheme relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Even though the description refers to the replacement of rooflights, the previous rooflights were unauthorised. Moreover, the barn was converted after the building was listed without consent and I am mindful of Sections 7 and 9 of the Act. As listed building consent had not been obtained for the works to the barn, they were unauthorised, and their undertaking was an offence. Furthermore, there is no time limit stated in the Act within which any enforcement action against unauthorised works must be undertaken.

Main Issue – both appeals

6. The main issue is whether the development/works preserves the Grade II listed building, Bride Cross Farmhouse and barn, or any features of special architectural or historic interest which it possesses.

Reasons

The site and the special interest and significance of the listed building

7. Bride Cross Farmhouse and the attached barn is Grade II listed and dates from the early-to-mid 18th century. It is located within open countryside in the Nidderdale Area of Outstanding Natural Beauty (the AONB). The farmhouse is a two storey, two bay house, constructed of coursed squared stone with a stone slate roof. Its front façade has an off-centre door, four mullion windows, gable copings and end chimney stacks resulting in a pleasing simplicity. A single storey lean-to on one side and the attached barn on the other side create a distinctive long linear built form.
8. The barn is also built from coursed squared stone, with a stone slate roof and has a large central opening. Although now converted, the former barn's height, lack of chimney stacks, fenestration pattern and more simple style of openings remain distinct from the domestic appearance of the farmhouse. The contrasting characteristics between the house and barn illustrate the historic functionality of the farmstead and the lifestyles of the household.
9. From the evidence available to me, the special interest/significance of the listed building, insofar as it relates to this appeal, is largely derived from the house and barn's linear plan form, simple vernacular and traditional construction techniques and materials, including the fenestration. These make important contributions to its aesthetic and historical values.

The effect on the listed building

10. The loss of the former byre door opening has diminished the value of the original opening and weakened the legibility of the barn's historical use. Although the door surround is still clearly visible and the stonework below the window matches with the surrounding stonework, this reduces, rather than mitigates, the full extent of harm. Moreover, the window that has replaced the door, has a wide squat proportion which is a striking departure from the proportions of other window openings in the barn. Despite the use of traditional timber materials this window has eroded the aesthetic appearance of the barn to a small degree.

11. My attention has been drawn to the general design principles for the conversion and alteration of barns set down within the Council's Farm Buildings Design Guide (FBDG). This says, amongst other things, that changes to traditional farm buildings should be designed in such a way as to limit new openings in buildings and make use of existing openings in a sensitive manner. The more detailed guidance on page 26 of the FBDG illustrates how 'good design' includes making full use of door openings with a glazed door. In this regard, for the reasons set out above, the window does not make use of the original opening in a sensitive manner and is at odds with the guidance in the FBDG.
12. The rooflights previously in situ on the barn were not 'conservation style'. However, they were unauthorised. Moreover, although 'conservation style', the rooflights installed on the former barn do not sit discretely flush with the stone slate on the roof slopes. This indiscrete nature is exacerbated by their size, amount, modern material finish and extent of exposed flashing. Overall, the combination of their size, number, and their distinctly modern domestic appearance on both roof slopes, along with the removal of historic fabric, has diminished the traditional vernacular simplicity of the barn by imparting a more overtly residential and domestic character. It has thus eroded the aesthetical and historical interest of the former barn as a traditional farm building.
13. The removal of the two rooflights in the side lean-to of the farmhouse has been undertaken sympathetically with the slate matching with the existing roof slope. From the evidence before me, these rooflights were not original features and their replacement with slate has resulted in a very small improvement to the aesthetical value of the farmhouse.
14. Drawing the above together, notwithstanding the very small improvements from the removal of the rooflights on the lean-to, the development/works have failed to preserve the Grade II listed building, Bride Cross Farmhouse and barn, or its features of special architectural and historic interest. Consequently, the development/works have harmed the significance of this designated heritage asset.

Public benefits and heritage balance

15. Paragraph 199 of the National Planning Policy Framework (the Framework) (2021) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
16. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, given the extent of the development/works relative to the farmhouse and barn, I find the harm to the listed building to be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.

17. I have no firm evidence that the removal of the two rooflights on the lean-to were necessary to repair water ingress. Nonetheless, these aspects have resulted in a very small improvement to this part of the listed building.
18. My attention has been drawn to the guidance on page 27 of the FBDG, which shows a converted barn with 6 rooflights installed of a similar design to those before me. However, the guidance indicates that this approach should normally be avoided but there may be instances where the provision of rooflights is favourable instead of the creation of new openings elsewhere. In this regard, as the conversion of the barn is unauthorised, it has not been demonstrated that the quantum and size of rooflights before me is necessary to strike a balance between natural light and minimising new openings.
19. As such, I am not convinced that securing natural light could not be achieved in a more sympathetic and less harmful way to the significance of the designated heritage asset. Moreover, the benefits to the appellant from brighter internal spaces from the increase in openings would, in any case, be private benefits.
20. There will have been some economic, social and environmental benefits resulting from the construction works, the general investment into the property and improvements to the local housing stock. These outcomes assist the delivery of the main objectives of the planning system as outlined in the Framework. However, the scale of these public benefits are limited by the modest extent of the development/works.
21. There is no firm evidence that alterations to restore a door opening or any replacement or removal of any of the rooflights on the barn would cause harm to the historic fabric of the listed building. In this regard, I am mindful that two rooflights on the lean-to on the house have been removed and roof restored sympathetically. In any case, any such works are not before me and there is no compelling evidence, which confirms that the listed building would not be useable or viable as a dwelling, or that its future would be at risk if the appeals were to fail. In these respects, clear and convincing justification for the harm that has occurred to the significance of the designated heritage asset because of the development/works, has not been provided.
22. Overall, the weight that I ascribe to the public benefits that have accrued from the development/works, is not sufficient to outweigh the great weight that I attach to the harm I have found. As such, the development/works do not comply with paragraph 202 of the Framework.
23. The development/works have failed to preserve the Grade II listed building known as Bride Cross Farmhouse and barn, or any features of special architectural or historic interest which it possesses. This is contrary to the requirements of sections 16(2) and 66(1) of the Act. It is also contrary to Policies HP2, HP3 and NE4 of the Council's Local Plan (2020). These say, amongst other things, that appellants should ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest.

Other Matters

24. The appeal site is within the Nidderdale AONB, and I am mindful of my duty to have regard to the statutory purpose of the AONB to conserve and enhance the natural beauty of the area. However, given the modest scale of the

development/works undertaken, the natural beauty of the AONB is unharmed. The absence of harm in relation to this, or other considerations, are neutral matters that weigh neither for nor against the appeals.

25. Matters relating to who undertook previous alterations to the building, the presence of rooflights on the barn prior to their removal, the extent that the Council were aware of such alterations, the absence of past enforcement action, the merits of an alternative scheme or concerns regarding the processing of the applications, do not change the merits or effects of the scheme before me.

Conclusions

26. **Appeal A:** The development conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
27. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

Mr R Walker

INSPECTOR