



Appeal Decision

Site visit made on 9 October 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/E2340/W/23/3321799

Land adjacent to Pasture Barn West, Pasture Lane, Barrowford, BB9 6QX

- 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 & Mrs Diane & Gary Collier against Pendle Borough Council.
 - The application Ref 22/0763/FUL, dated 9 November 2022, was refused by notice dated 30 March 2023.
 - The development proposed is described as 'the proposal is the construction of 3no. self-build family eco-homes and 2 out-buildings.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the proposal relates to the setting of 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).

Main Issue

3. The main issue is whether the proposal would preserve the setting of the Grade II listed building at Pasture House, Pasture Lane (Ref: 1361688).

Reasons

The setting of the listed building

4. Built in dressed stone over three storeys Pasture House dates to around 1777. Its grand double fronted design incorporates a number of interesting classical and symmetrical architectural features associated with the Georgian period with some Gothic elements. An attractive rural farmhouse of some status and importance in the area, Pasture House retains its historic legibility as a former traditional farmhouse. It occupies an elevated position alongside a complex of former agricultural buildings which includes the properties at Pasture Barn West and Pasture Barn East (now in residential use).
 5. In so far as relating to this appeal, the significance of the listed building is derived from its architectural and historic interest as a long established farmhouse. Its statuesque form and grand design as well as its prominent siting and relationship to the surrounding farmland and other buildings nearby, tell of its intended prestige and importance and also contribute to the significance of the listed building.
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6. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The setting of Pasture House, and the contribution that this makes to its significance, insofar as it relates to this appeal, is derived from the rich historic character of its attractive surrounding open pasture land and fields. These factors contribute to the setting of Pasture House and affect how it is appreciated.
7. The appeal site comprises an open field to the south of Pasture House and forms part of a wider area of farmland. The land slopes downwards to the south from Pasture House and the appeal site takes in the lowest part of the field. It is bounded by Pasture Lane to the south west and by an existing field boundary of trees and a hedgerow to the south east. To the north a diagonal tree lined track runs up to Pasture House and the other buildings there. This separates the triangular field directly in front of Pasture House from the wider field which includes the appeal site.
8. Nevertheless, despite these factors, the appeal site retains a strong functional and visual connection with Pasture House. It is part of the land associated with Pasture Farm and an important component of its historic farmland which is in relatively close proximity to the farmhouse. Thus, the appeal site has a longstanding historic relationship with the listed building, and its open nature allows an appreciation of its former status and importance as a local farm of some standing.
9. There is also a visual relationship between the appeal site and the listed building. Pasture House is close to the appeal site, directly over looks it and forms part of the backdrop to it. Despite the intervening vegetation, there are varying levels of inter-visibility between Pasture House and the appeal site, and some views of the listed building on approach from the south and east include the appeal site.
10. Thus, the appeal site has both a historic and a visual relationship with Pasture House and therefore contributes positively to the setting and understanding of that heritage asset and the appreciation of its significance. I have had special regard to this matter in considering the appeal.

The effect of the proposal

11. The proposal would see the introduction of three two storey dwellings to the appeal site. The scheme was amended during the Council's consideration of the application. The dwellings were moved further away from Pasture House to the lower land at the end of the field, the two storey outbuildings were omitted, and the proposed boundary planting amended.
12. The traditional design of the relatively modest dwellings takes inspiration from nearby buildings and is described as a contemporary response to the features of Pasture House. The houses would be constructed of stone, with pitched slate roofs, central doorways, single storey outbuildings, lean-to extensions and symmetrical elevations. Stone boundary walls and an entrance gate feature with stone pillars would also be provided. Each property is designed specifically for the intended occupiers with a consistent architectural language. The Council raises no objections to the design of the dwellings or the use of the materials indicated.

13. The proposed layout is intended to imitate the orientation and linear layout of Pasture House and its nearby buildings, and the houses would be similarly located along an access running south west to north east. The elevations of the dwelling which would face the lane would have minimal openings. The staggered layout would create a series of courtyards and private external spaces for each property which would mimic a farm cluster. A hedge to the site's northern boundary would resemble a field edge.
14. The land to north of the appeal site would be kept as agricultural grazing land with additional tree planting and biodiversity enhancements. As a result of this separation, the closest dwelling would be around 100 metres from Pasture House. Given the topography, the proposed houses would sit some 17 metres lower than Pasture House (the highest roof level would be 6.5 metres lower than the ground floor level of Pasture House, and the ground floor level of the houses would be some 13 metres lower than that of Pasture House).
15. Some openness to the front aspect of Pasture House would be maintained by the remaining northern part of the field containing the appeal site. The triangular field in front of Pasture House would also remain open, and I note the appellants' argument that this was formerly more enclosed and provides a defined front aspect to Pasture House. As recognised above, I also appreciate that the open area between Pasture House and the appeal site has already been interrupted by the tree lined diagonal access track.
16. Nevertheless, in introducing new suburban development to the appeal site, its currently open and undeveloped nature would be significantly eroded by the proposal. The appeal site is surrounded by trees and hedgerows along the field boundaries and is screened on approach from the south east along Pasture Lane. However, some views of the development would be possible in gaps through the hedgerow as well as over it.
17. Given its elevated position and the topography of the surrounding land, views of the frontage of Pasture House on the skyline would remain and the listed building would not be directly obscured by the proposed houses. Nevertheless, as a result of the appeal proposal the open character of the low lying open land in the foreground of views of Pasture House would be significantly eroded.
18. Turning to views taken from Pasture House and the area surrounding it, the proposed houses would be some distance away and at a lower level. They would also be sited beyond the diagonal access track and to some extent screened by the trees which edge it as well as the additional hedging which is proposed there. Longer range views would remain over the top of the proposed buildings towards the more distant viewpoint of the hills behind. Even so, due to the elevated position of Pasture House in relation to both the access track as it descends down the slope, and the appeal site beyond, despite the intermittent screening, the proposal would be readily visible from there.
19. Taking these factors into account I find that the proposal would be appreciated as an unwelcome intrusion of new built development. It would urbanise the site and detract from the open rural character of the land to the south of Pasture House. In doing so it would seriously erode the site's open agricultural character. Although parts of the appeal site would remain open, they would in part provide garden areas and car parking associated with the residential use of the proposed dwellings. Any overall sense of the appeal site's former function as agricultural or pasture land would be lost.

20. Even in the context of the tree lined access track and the other hedgerows and field boundaries nearby, in diminishing the openness of the appeal site and introducing new development there, the proposal would reduce the extent of the important historic open pasture land associated with Pasture House. Whilst Pasture House would remain visible, a new grouping of development would be created on the open land in front of it.
21. As a result of its separation from Pasture House, rather than enlarging the existing cluster of buildings there, the proposal would be seen as a new and separate competing pocket of development within the surrounding open farm land. This would compete visually with Pasture House, thereby detracting from its historic importance and primacy, diminishing its dominance and grandeur and undermining the sense of its former status.
22. Thus, whilst there would be no loss of historic fabric or direct harm to the structure of the listed building itself, the proposal would detract from the legibility of the important historic farmhouse and erode the ability to understand and appreciate its significance. In coming to this view I have had regard to the visualisations and photo montages provided by the appellants.
23. Bringing matters together, in introducing development to the appeal site within the setting of the nearby historic building, for the reasons given, the proposal would unacceptably intrude into an important part of the building's setting and diminish the contribution of the setting of the building to its significance.
24. For these reasons I conclude on the main issue that the proposal would fail to preserve the setting of Pasture House.

The heritage balance

25. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the Framework goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
26. I find the harm to be less than substantial in this instance. Whilst I note that Growth Lancashire find the harm to be at the 'very low end of the less than substantial range', I nevertheless give this harm considerable importance and weight in the balance of this appeal.
27. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
28. The appellants have put forward a number of benefits of the proposal. The scheme would provide houses in a sustainable location, boost housing land supply (including the Council's 5 year housing land situation), contribute to the Council's self-build targets and support the Governments agendas in both these regards. It would also add to housing mix by providing both accessible retirement and family housing.
29. Additionally the proposal would result in economic benefits including employment and economic activity in the construction period. The appellants refer to the higher level of professional and specialist local people and suppliers

that would be required which would support small and medium sized businesses. Benefits would also arise in relation to the subsequent increase in local expenditure from three new households which would support the local economy. Whilst these are public benefits of the proposal, given its modest scale for three dwellings they would only be limited in extent.

30. The appellants consider the proposed houses to be exceptional examples of rural property design. Although reference is made to paragraph 80 (e) of the Framework, it has not been put to me that the proposal would see the development of isolated homes in the countryside. Nevertheless, I confirm that since it has not been explained how the proposal would help to raise standards of design more generally in the area, and because I have found that it would fail to significantly enhance its immediate setting, and would not be sensitive to the defining characteristics of the local area, I do not regard the proposal to represent design of exceptional quality under the terms of the Framework.
31. Even so, I have considered the scheme's sustainability credentials. I understand that the dwellings have been designed as low energy eco-homes to withstand the demands of a changing climate and minimise carbon footprint. They include a fabric first approach using locally sourced materials, on site power generation, solar roof system, ground source heat pump, mechanical ventilation heat recover system, and rainwater collection. They would be located in a cluster and designed to reduce each building's ecological footprint and reduce future running costs. Additionally I note the appellants' intention to continue low level farming and bee keeping and to grow their own food. However, given the scale of the proposal for only three dwellings I am not persuaded that its contribution to addressing climate change and carbon reduction would be great.
32. Reference is also made to enhancements to biodiversity that would arise from the proposal, including the provision of bat and bird boxes, tree and hedgerow planting and wildflower meadows. However, again, any such benefits would be limited by the scale of the proposal. Furthermore, they would arise from enhancements which could be implemented in the absence of the appeal scheme.
33. I have had regard to the background and reason for the proposal. The appellants have a strong physical and emotional connection to the wider site and wish to continue living there. They have lived at Pasture Farm all their lives, farmed the land, and have other family members nearby. One of the appellants grew up in Pasture House and both appellants currently live at Pasture Barn West with their two sons and their partners. That property is considered to be too small for three couples, but too large for any of the couples individually. The scheme seeks to create a family cluster to enable the occupiers to live alongside each other and improve their quality of life. Two first time homes and a future proof retirement home would be created where the appellants could continue to live in their old age, provide care for future grandchildren, and be cared for during their retirement.
34. The rationale for the scheme is also driven by affordability, costs and viability issues. Each couple cannot afford to purchase properties locally, but could work together using their construction experience, to self-build each property on land already in their ownership in order to reduce costs. It is argued that

other affordable options to remain in the village are limited and without the appeal proposal the family would be displaced from the site and the area.

35. Important though all these matters are to the appellants, they are private benefits only.
36. Thus, having regard to all these matters overall, I find that even taken together the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset I have identified.
37. Therefore the proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. It would also be contrary to Policy ENV1 of the Pendle Local Plan Part 1 Core Strategy which states that development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments, including ensuring that the significance of any heritage asset (including its setting) is not harmed or lost without clear and convincing justification.

Other Matters

38. There is a good deal of support for the proposal from local residents. I appreciate that the appellants and their family are well respected, live and work in the area and contribute to local life and the community. However, these are not reasons to allow development that would be harmful. I have also taken account of the appellants' personal circumstances as set out above, and acknowledge that considerable private benefits would arise from the scheme.
39. That said, whilst acknowledging that the family wish to continue living at Pasture Farm and in the area, I have seen nothing to demonstrate that other options to achieve this have been considered and ruled out. As such I cannot be assured that any benefits in this regard could not be realised via an alternative less harmful scheme that does not impinge on the open pasture land surrounding Pasture House.
40. Thus, I find that these private benefits are insufficient to outweigh the harm that would arise in relation to the main issue in this case and the conflict with the Framework and the development plan that would result.
41. I understand that the houses are intended to always remain in the family's ownership. That said, although a condition is suggested in this regard, I am not persuaded that this would meet the requirements for planning conditions set out at paragraph 56 of the Framework. Besides, it would not alter the identified harm in relation to the main issue.
42. The site is in an accessible location within walking distance of Barrowford. Despite the concerns of the highways authority, the Council raises no objections to the proposal in terms of highway safety. Nor are any concerns raised regarding living conditions (of either nearby occupiers or future occupiers), or in terms of drainage or ecology. The absence of harm in these regards counts neither for, nor against the proposal.
43. The presumption in favour of sustainable development is cited by the appellants. This is set out at paragraph 11 of the Framework, and indicates that in certain circumstances permission should be granted unless the application of the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.

Footnote 7 is clear that such policies include those relating to designated heritage assets. As such, I do not regard the presumption in favour of sustainable development to apply in this case.

44. The appellants refer to a number of successful appeals and planning applications for development which affect heritage assets, including those within the settings of heritage assets. Whilst I acknowledge that a good deal of information has been provided, it remains that I am not aware of the full circumstances that led to those developments/approvals and so cannot be sure that they are the same as in the case before me. As such, I am not persuaded that these examples provide a reason to allow a proposal which I have found to be harmful. I confirm in any case that I have considered the appeal proposal on its own individual merits and made my own assessment as to its impact.
45. The appellants raise concerns about the application being called in to planning committee and the membership of that body. However, that is a matter between the appellants and the Council. As set out above, I have determined the appeal scheme based on the evidence before me.

Conclusion

46. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR