



Appeal Decisions

Site visit made on 25 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2023

Appeal A Ref: APP/D2320/W/23/3319077

Breworth Fold House, Marsh Lane, Brindle, Lancashire PR6 8NZ

- 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 Andrew Whelan against the decision of Chorley Borough Council.
 - The application Ref 22/00629/FUL, dated 6 June 2022, was refused by notice dated 18 November 2022.
 - The development is described as: 'Change of use of agricultural land for use as a small garden to Brereworth Manor. Erection of canopy bolted on to western façade. Removal of window on western facade and insertion of external door. Proposed replacement of existing cement based mortar to western & southern facades and its replacement with lime mortar'.
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Appeal B Ref: APP/D2320/Y/23/3319076

Breworth Fold House, Marsh Lane, Brindle, Lancashire PR6 8NZ

- 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 Andrew Whelan against the decision of Chorley Borough Council.
 - The application Ref 22/00630/LBC, dated 6 June 2022, was refused by notice dated 18 November 2022.
 - The works are described as: 'Change of use of agricultural land for use as a small garden to Brereworth Manor. Erection of canopy bolted on to western façade. Removal of window on western facade and insertion of external door. Proposed replacement of existing cement based mortar to western & southern facades and its replacement with lime mortar'.
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Decisions

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

Preliminary Matters

3. As the works and development relate 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). The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The appeal property, Breworth Fold House is a Grade II listed building¹ referred to on the National Heritage List for England as: 'Brereworth Manor'.
5. The appeal is part retrospective in that the canopy has already been constructed notwithstanding that the appellant argues that it is incomplete. The

¹ List Entry Number: 1163295.

window has also been removed, along with the masonry beneath and the pair of external doors have already been installed. Other elements, notably the removal of the existing mortar and repointing with lime mortar are yet to be carried out. Nonetheless, for the avoidance of any doubt, I have determined the appeal on the basis of the plans before me.

6. There are a number of different works and development referred to within the appeal documents and I understand that some of these relate to other applications that have been determined by the Council. My focus is therefore on the works and development set out in the description above.

Main Issues

7. The main issue in both Appeal A and B is:
 - whether the proposal would preserve the Grade II listed building Brereworth Manor, or any of the features of special architectural or historic interest which it possesses.
8. The further main issues in Appeal A only are:
 - whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt; and
 - whether the Green Belt harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Listed Building (both appeals)

Special Interest and Significance

9. The former farmhouse dates to the latter part of the seventeenth century and was enlarged in the eighteenth century. It is constructed of coursed sandstone rubble with a slate roof. The building has an L-shaped plan comprising of a single-pile, two-bay, baffle-entry house, with an early extension to the left of the first bay (east), and a later two-bay wing to the front (north) of the second bay, based on the list description. Two lean-to outshots are evident to the south elevation.
10. The appellant's heritage statement surmises that the later two-bay wing is a stable with hayloft that was later converted to become part of the house. The list description sets out that this later, eighteenth century addition is of less interest than the older sections of the building, which have distinctive architectural features such as chamfered mullion windows and hoodmoulds. I acknowledge that the two-bay wing is less architecturally ornate and a likely later addition. Nonetheless, it still dates to the eighteenth century and represents a phase in the building's development.
11. In that regard, the building has undoubtedly been altered on several occasions over time. The appellant's heritage statement suggests that the openings that do not include stone mullions are later additions. Nonetheless, the fenestration within the building is relatively consistent throughout, comprising of timber-

framed casement windows. Where stone mullions are absent, the timber-framed casement windows roughly reflect the proportions of the stone-mullioned windows. Through its proportions, style and material, the existing fenestration, whilst predominantly modern, provides a degree of authenticity and coherence to the building.

12. The appellant has provided some details of changes to the building that were carried out as part of a grant of permission in 1971, prior to listing. Whilst this included some interior and exterior changes that would likely have eroded some of the significance of the building, including new and blocked openings, the majority of these changes, as set out in the heritage statement, are discernible today. Furthermore, the building was still considered to be worthy of being included on the national list, despite these changes.
13. From the evidence before me, the special interest and significance of the listed building are largely derived from its architectural interest and historic interest as an example of a seventeenth century farmhouse that has evolved over time. Important contributors in these regards which are pertinent to the appeals, are the building's surviving historic fabric, including key architectural features such as the mullion windows; the presence of traditional materials; its L-shaped plan and discernability of its historic plan form; and the legibility of its development over time.

Proposals and Effects

14. The canopy is accessed via a new door opening that has been formed in place of a former window opening. I have not been provided with any plans showing the window opening that existed previously nor any method statement describing in detail the works and development to form that opening, that have taken place. There are also no detailed drawings of the doors showing, for example, the position of the door in the opening, the thickness of the frames or depth of the glazing. I have not been provided with any details of the extent of historic fabric, if any, that has been lost as part of the works and development. Nonetheless, notwithstanding the extensive changes that have occurred to this part of the building, the 1958 photograph provided by the appellant shows a window in the position of the opening that is the subject of these appeals.
15. From the information before me, an area of stonework has been cut away from below the former window opening, and the previously existing stone jamb and cill have been removed. The window opening has been widened and there are straight machine cuts evident to either side of the new opening.
16. The pair of double doors are a typical modern domestic feature that is not present within the existing farmhouse and lacks authenticity in this location, a converted part of the building dating to the eighteenth century. The doors, being black, powder-coated aluminium and fully glazed, are not reflective of any of the otherwise coherent fenestration present in the dwelling. The smooth, black, unvaried finish of the aluminium frames contrasts starkly with the natural undulations and grain of the existing oak-framed windows. Furthermore, the frames are substantially thicker than those of the other fenestration and their appearance lacks the finesse and craftsmanship of more traditional doors or windows. They also sit much further forward in the reveal than the existing windows on this elevation, which adds to the somewhat ad hoc appearance of the opening.

17. I acknowledge that the new opening and doors are located in a later phase of the building which is less architecturally ornate. Nonetheless, it is part of the listed building and contributes to the legibility of its development over time. It is also seen as part of the same elevation as the oldest part of the building, as per the appellant's heritage statement. It is therefore not immune from harm. For these reasons and those set out above, the double doors appear as an ad hoc and incoherent addition to the building that has eroded the authenticity of the fenestration of the listed building as a whole. In the absence of any information to confirm otherwise, the works and development have also resulted in the loss of historic fabric and architectural features through the removal of the stone jamb and cill and other stonework.
18. The appellant has stated that they are willing to accept a planning condition requiring that the doors are replaced with alternatives that are manufactured from oak. However, given that I have no details of any alternative oak door, including sections, I cannot be certain that such a condition would overcome all of the harm I have identified above.
19. The canopy itself is a large, shallow-pitched lean-to structure, comprised of painted timber and steel, that adjoins the later two-bay wing, occupying almost the full elevation of this part of the building. Whilst the canopy is not complete and does not yet include the proposed lower panel to the north elevation, it is nonetheless a relatively lightweight structure incorporating large areas of glazing. However, it is of considerable scale and this, alongside its radically different form, results in it appearing as an incongruous and imposing addition to this side of the building. Furthermore, its location here has interrupted the building's L-shaped plan form.
20. By extending very close to both edges of this wing, it cuts across the quoins to the left side of this elevation, obscuring them from view. It also lies very close to the joint between this wing and the oldest part of the building, inhibiting the legibility here. It consequently also sits in very close proximity to the hoodmould of the adjacent five-light mullion window on the older part of the building. This has resulted in an awkward junction of the modern additions and the mullion window, a key contributor to the significance of the building.
21. Although located on a less ornate, more recent part of the building, as set out above, it is not seen in isolation here, it lies very close to and is seen in the same context as key elements of the oldest part of the building. Moreover, in views travelling south towards the appeal site from the public rights of way, the scale and massing of the canopy results in it obscuring the older part of the building in these views.
22. I have considered the alternative treatments proposed to the side of the extension as suggested but all of these would only add to the bulk of the structure and diminish its lightweight appearance. Similarly, the use of flags in the internal spaces of the canopy would not reduce its visual impact.
23. I have been provided with a copy of the Chorley Householder Design Guidance Supplementary Planning Document (the SPD). This states that: 'Extensions to Listed Buildings should respect the character and scale of the original building and be designed to complement that character'. For the above reasons, the canopy fails to respect the scale and character of the original building. This reinforces my above assessment.

24. I have been referred to extensions approved at other listed buildings including Primrose Cottages and Willows Barn. However, I have no other details of these approvals and therefore I cannot be certain whether or not they are comparable in scale and design to the appeal scheme. Nevertheless, I am required to consider the effect on the special interest of the listed building itself. Extensions approved to other unrelated listed buildings are unlikely to represent adequate justification for a similar extension here.
25. For the above reasons, I therefore conclude that the works and development fail to preserve the Grade II listed building, Brereworth Manor 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. On this basis the works and development have resulted in harm to the significance of the listed building.

Public Benefits and Balance

26. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the works and development, I find the harm to be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the scheme including, where appropriate, securing the asset's optimum viable use.
27. The appellant cites the exposed location of the land occupied by the canopy and argues that its presence has allowed this space to be enjoyed by existing and future generations. It is also set out that the existing garden area is subject to noise from an industrial unit. I accept that this is an open, exposed location. Indeed, it is possible that this is the reason the garden is located to the opposite side of the dwelling with no previous access to this space from the house. However, the benefit of the use of this space is primarily a personal benefit to the appellant or future owner of the property, rather than a public benefit. Any noise amounting to a statutory nuisance would likely be a matter for the Council's Environmental Protection department.
28. The appellant has also offered to demolish the existing detached storage building as part of the scheme, but this is not included in the application descriptions and does not form part of the works and development before me. Whilst the appellant has suggested that the demolition could be secured by a condition, this part of the site does not fall within the application site indicated on the location plan which limits the potential for a planning condition. Nonetheless, even if there were a mechanism to secure the demolition of the storage building, this building is small compared to the canopy, is comparatively discrete and has traditional proportions. It nonetheless screens the canopy from sections of the access road. Its removal would therefore, to my mind, only make the canopy more prominent from the public right of way, adding to the harm. For these reasons its demolition would not constitute a meaningful benefit in the context of this appeal.
29. The Planning Practice Guide (PPG) sets out that '*sustaining or enhancing the significance of a heritage asset and the contribution of its setting*' amounts to a public benefit. The appellant has provided details of the operations that have been carried out to the interior of the house alongside photographs of the previous condition of the building. Whilst many of the aspects of the operations

that have been carried out have likely been beneficial in heritage terms, they have already taken place and therefore are not dependent upon me allowing the appeal. These benefits have also likely already been taken into account in prior listed building consent applications for the elements listed and therefore cannot be double counted.

30. Nonetheless, as part of the appeal scheme, the appellant is proposing to remove cement mortar and repoint the exterior of the building with lime mortar. I agree with the appellant that, subject to details agreed through condition, the repointing of the exterior of the building in lime mortar would likely sustain and enhance the special interest and significance of the listed building. This would constitute a public benefit. Collectively this benefit carries moderate weight in favour of the scheme. However, these works and development are not dependent upon the aspects of the scheme that I found harmful. I am therefore not persuaded that the only way of securing such benefits would be via the particular scheme that is before me.
31. I have been provided with pictures of internal damp attributed to the presence of cement mortar. However, I have not been provided with any convincing evidence that the appeal property would not be useable or viable as a dwelling, nor am I convinced that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the scheme, as submitted, was not fully implemented.
32. Paragraph 200 of the Framework is explicit in its requirement that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeals before me.
33. Whilst I give moderate weight to the recognised public benefits, including heritage benefits, these are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset.
34. In the absence of sufficient public benefits that would outweigh the harm that I have found, I conclude that the works and development fail to preserve the Grade II listed building, Brereworth Manor 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 and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact is also contrary to Policies BNE1 (e), BNE8 and HS5 (a) of the Chorley Local Plan (2015) (the CLP) and Policy 16 of the Central Lancashire Core Strategy (2012) which together seek to ensure new works and development constitute high quality design that conserves and enhances heritage assets in a manner appropriate to their significance. It also conflicts with the guidance contained within the SPD, described above.

Whether Inappropriate Development (Appeal A)

35. The Government's policy for new development in the Green Belt is set out in the Framework. The aim of that policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The appeal property is a detached building located within an open rural setting in a reasonably elevated position in the landscape.

36. Paragraph 138 sets out that the Green Belt serves five purposes, including, at 138. c), to safeguard the countryside from encroachment. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 149 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of these exceptions is 149. c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
37. Both parties are in agreement that the canopy constitutes an extension to the existing building, for the purposes of paragraph 149 of the Framework. Located on the west elevation of the building, it represents an 11% increase in volume from that of the original building. Whilst the Framework does not define 'disproportionate', Policy HS5 of the CLP sets out that increases in volume of up to 50% above that of the original dwelling are not considered to be disproportionate. Both parties are in agreement that the canopy does not constitute a disproportionate addition over and above the original building. On the basis of the above I see no reason to disagree.
38. Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 150. e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
39. The appeal scheme includes a change of use of agricultural land to be used as a garden in association with the appeal property. The garden includes a narrow, decked area, extending out from the west elevation of the canopy. This adjoins a new 6.0 metres x 5.0 metres lawn located adjacent to the existing detached storage building over which a path has been installed, accessing the parking area beyond. There are no boundaries at present, but the appellant intends to erect *'a low fence and/or hedge to physically define the extent of the garden area along its western edge'*.
40. On the site visit I saw that the main garden area of the appeal property appeared to be located on the opposite side of the dwelling to the appeal site. This is consistent with the area identified as garden within the design and access statement. However, there is limited boundary definition here and the garden abuts a much larger, open grassed area that is separated from the adjacent field by a post and wire fence. The open nature of this boundary treatment allows views across a large area of countryside to this side of the dwelling which contributes significantly to its open setting.
41. Whilst I accept that the additional garden is small compared to the existing garden, the change of use provides a garden to the opposite side of the dwelling, where previously there was just a narrow wire-fenced strip abutting an open field. Whilst the existing decking that has been installed here would be reduced in terms of its depth and limited to a narrow walkway, the remaining decking would still alter the physical appearance of this space. This physical change alongside the proposed enclosure of these areas will inevitably reduce openness. The area around the building here is, and will be, less open.
42. The use of this garden has extended domestic activities into the open spaces around the dwelling here. Over time, this would likely lead to domestic

paraphernalia, as evidenced by the Council's site visit, being located in these areas which would impinge on its visual openness compared to the existing situation. It would also, in a small but observable way, represent encroachment into the countryside. This encroachment and the reduced openness would likely be viewed by those walking along the public rights of way that cut across the adjacent field as well as, in longer distances, from Marsh Lane. It would also be evident from the access road past the site, which is also a public right of way.

43. The appellant has suggested that a condition could be imposed requiring the change of use of an area of land equivalent to that of the new garden area to agricultural use. The appellant argues that this would mean there '*would be no net reduction in the amount of agricultural class land*'. However, I am required to assess the effect on openness and determine whether the proposal would represent encroachment into the countryside, which is not limited to a simple balance between different land uses. Nevertheless, I do not have details of the precise portion of garden that would become agricultural, the effect on boundary treatments, surfacing or any other such detail. I therefore cannot be certain whether such a matter could be controlled through a planning condition, its effect on the openness of the Green Belt, or whether or not it would represent encroachment.
44. Whilst the appellant states that the use of this area as a garden creates a much more logical layout with minimal impact, for the above reasons, it nonetheless fails to preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The development therefore does not fall within the forms of development at paragraph 150 of the Framework and as such is inappropriate development in the Green Belt.

Other Considerations (Appeal A)

45. The development is inappropriate development in the Green Belt and harms openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
46. As set out above, any benefit in terms of noise reduction or from the location of the garden on this side of the dwelling is primarily a private benefit for the occupier of the appeal property. Whilst I have taken into account the personal circumstances of the appellant as set out in their statement, the benefits in that regard would be private rather than public.
47. That the scheme provides a more direct route from the newly created parking area to the dwelling is also primarily a benefit for the occupiers of the appeal property. Nonetheless, I accept that this improvement in accessibility does improve access for visitors with disabilities which does amount to a limited public benefit, given the scale and nature of the scheme. Moderate public benefits would also arise from the repointing of the exterior of the building in lime mortar, as discussed above.
48. Nevertheless, given the substantial weight to be given to Green Belt harm combined with the harm I have identified to the special interest and significance of the listed building, relative to the moderate benefits of the proposed scheme, the harm is not clearly outweighed by the other

considerations. Therefore, the very special circumstances necessary to justify the development do not exist.

49. The Green Belt matters are determinative in their own right. However, had the appeal site not been located within the Green Belt, the harm which I have identified to the listed building would, in itself, also be determinative.

Conclusion

50. *Appeal A:* The development conflicts with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.

51. *Appeal B:* For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

Paul Martinson

INSPECTOR