



Appeal Decisions

Site visit made on 7 November

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal A: APP/W4223/W/23/3318047

6 Thurstons, Ridge Lane, Oldham, Diggle, OL3 5LR

- 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 Nat Millar against the decision of Oldham Council.
 - The application Ref HOU/3499997/22, dated 17 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as 'proposed installation of solar panels'.
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Appeal B: APP/W4223/Y/23/3320546

6 Thurstons, Ridge Lane, Oldham, Diggle, OL3 5LR

- 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 Nat Millar against the decision of Oldham Council.
 - The application Ref LBC/349043/22, dated 12 May 2022, was refused by notice dated 14 December 2022.
 - The works proposed are described as 'add solar panels to the roof of the building'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matter

3. Since the proposal 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).

Main Issues

4. The main issues are whether the proposal would preserve a grade II listed building Thurstons and Adjoining Barn (Ref: 1068163) and any of the features of special architectural or historic interest that it possesses; and whether it would preserve the settings of nearby listed buildings.
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Reasons

The listed buildings

5. The appeal building is part of the listed building which comprises Nos 5 and 6 Thurstons and is a former weavers cottage and adjoining barn. Dating to the late 18th century it is built in hammer-dressed watershot stone with a graduated stone slate roof. The appeal property is the two storey cottage element of the building which fronts Ridge Lane and is arranged in two bays. The adjoining split level barn to the rear is now a separate dwelling and has a frontage to Huddersfield Road.
6. The appellant states that whilst the building has character and conforms to the local vernacular it is not special or unique to the area. It is also argued that it is of lower value than a grade II* or grade I building. Nevertheless the building is listed for its special architectural and historic interest and has been identified as such so that it can be protected for future generations.
7. Despite some modern alterations and additions including a front porch, aerials, soil stacks and a satellite dish, for the most part the building maintains its simple form, scale and proportions as well as elements of its historic fabric and traditional architectural features. Thus, its historic character is still legible and it retains an attractive rural appearance and charm.
8. From the evidence before me, insofar as it relates to these appeals, I therefore find that the special interest of the listed building is drawn from its simple scale and functional design and proportions, as well as its use of traditional materials, all of which attest to its function as a building associated with farming within a rural area.
9. The appeal property is located at the northern end of a small settlement north of Diggle known as Harrop Dale. This consists of a coherent collection of stone buildings dating to around the late 18th century including traditional farmhouses, weavers cottages and associated barns, a number of which are grade II listed.
10. Immediately to the south of the appeal building, the three storey house at Nos. 2 and 2A (Thurstons House) Thurstons (Ref: 1356386) is also built in hammer-dressed watershot stone with a graduated stone slate roof. To the north further along Huddersfield Road Thurstons, 7 and 8, Ridge Lane (Ref: 1164049) is a stone house which dates to around 1720, and beyond this is Thurstons, 8, Huddersfield Road (Ref: 1068168) a house built in stone that is now painted. Additionally to the south of the appeal building are Ridge Farmhouse and Adjoining Barn Ridge Lane (Ref: 1164040), and Former House Immediately East of Ridge Farmhouse, Ridge Lane (Ref: 1356382).
11. Accepting that they all have their own particular features of interest and significance, there is nevertheless a cohesiveness to the tight and intimate grouping of traditional vernacular rural buildings. Thus, this important cluster of heritage assets has a shared significance. Insofar as relating to these appeals, and similarly to the appeal building, this common significance is derived from their historic interest as traditional rural buildings including their functional vernacular design and use of materials typical of the local area.

12. The settings of these buildings, and the contribution they make to the significance of those assets, in so far as they relate to these appeals, is derived from the rich historic character of the rural surroundings, its traditional functional buildings and the spaces around and between them.
13. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The nearby historic buildings identified are close to the appeal building, some over-look it or are near to it, and others form part of the back drop to it. Overall I consider that there is inter-visibility to varying extents between these and the appeal building, and that some contextual views of the buildings identified include the appeal building.
14. Thus the appeal building has a visual relationship with the listed buildings and the settlement, and therefore contributes to their settings. I have had special regard to this matter in considering the appeals.

The impact of the proposal

15. The proposal seeks to install solar panels on the roof of the appeal property. Each panel would measure some 1722 mm by 1134 mm with a slimline profile and non-reflective matt black finish. Ten panels would be attached to the front roof slope in two rows, and 20 to the rear roof slope in four rows. They would be dark coloured with hidden frames and would be fixed to brackets attached to the rafters or purlins on the roof. The panels would be sensitively installed by an accredited installer with considerable experience and would sit on top of the existing tiles with neither the fixings or the frame being visible. There is local support for the proposal which suggests that solar panels are now a common feature in the built landscape and accepted as part of modern society.
16. That said, whilst no demolition or loss of historic fabric would result, the proposal would introduce a considerable number of panels to both of the cottage's roof slopes. These would cover a good deal of both roof planes and obscure significant amounts of the building's historic stone slate roof tiles which would remain evident only towards the edges of each roof slope. This being so they would dominate the roof of the relatively modest building.
17. The panels would have a generally smooth surface and texture and incorporate contemporary materials. By their nature they would be of a modern design and despite their slimline nature would project to some degree from the roof planes. As a result they would appear in direct contrast to the traditional design and natural finish of the stone slate roof tiles. Despite their dark colour, the panels would therefore have an obvious and strident appearance and would be readily evident alongside those parts of the outer edges of the roof where the tiles would remain visible.
18. To the front, despite the cottage's two storey height and relatively shallow roof pitch, the panels on the front roof slope would be visible on approach from the south on Ridge Lane and from the surrounding countryside to the east. Although Ridge Lane is not a public thoroughfare, it is used by local residents. To the rear, although separated from Huddersfield Road by the intervening former barn part of the building, the panels on the rear roof slope would be readily evident from there in an elevated position. Despite the lack of footpaths and the speed of traffic on Huddersfield Road, the panels would nevertheless be appreciated by passers-by either in vehicles or on foot. In any

event, I am mindful that listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.

19. Due to these factors, I find that the proposed panels would be appreciated as over-dominant and incongruous modern additions to the appeal building that would appear directly at odds with the rural simplicity of its historic form and design. They would conceal much of the historic fabric on both roof planes, and detract from the sense of the building's historic purpose as a weavers cottage and erode the ability to appreciate it as such. This being so, the panels would impair the building's historic legibility and significance and would fail to preserve its special interest.
20. Furthermore, in introducing unsympathetic and intrusive development within the settings of the other listed buildings, the proposal would unacceptably detract from the rural nature and traditional vernacular character of the grouping and diminish the contribution of the settings of those buildings to their significance. Thus, the proposal would also fail to preserve the settings of the nearby listed buildings. In doing so it would undermine the authenticity and importance of those assets as traditional rural buildings and impair the ability to appreciate their historic legibility. That the site is not within a Conservation Area does not alter my view.
21. The appellant refers to other listed buildings in the locality with similar solar panels (including at Manor Mill and Devon Mill) and I have had regard to the information provided. However, I have seen no further details relating to these, including whether the host properties are listed and if they were the subject of planning applications. As such, I cannot be sure that the circumstances that led to those existing developments are the same as in the case before me. Accordingly, since it has not been demonstrated that they are comparable to the appeal proposal, which I have in any event considered on its individual merits, they do not justify the appeals before me.
22. I have also considered the appellant's argument that the works would be reversible, and the panels could be removed without damage to the fabric of the building and are temporary in nature. However, whilst they may be time limited by the longevity of their technology, no indication as to the likely lifespan of the panels or possible timescale for their removal is given. In practical terms, it seems to me that they would be likely to be in place for a number of years. As such, the harm that would be caused, even over a temporary period, would still be significant.
23. Bringing matters together, I therefore conclude on the main issue that the proposal would fail to preserve the special interest of the listed building or the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of these appeals.

Heritage Balance

24. 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. I find the harm to the heritage assets to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 requires that less than

- substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
25. Climate change is a priority for the government, and I have had regard to the evidence referred to by the appellant in this regard. Addressing climate change and promoting renewable energy and low carbon energy are aims of the Framework which states at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 158 of the Framework concerns applications for renewable and low carbon development and requires local planning authorities to recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (a) and to approve the application if its impacts are (or can be made) acceptable (b).
 26. The Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (LDF) also seeks to address matters of climate change and sustainable development. Policy 1 requires development to adapt and mitigate against climate change and address the low carbon agenda, and Policy 18 seeks promote green energy by reducing energy consumption and increasing energy conservation through renewable technologies (amongst other things). The appellant also refers to the Councils Urban Design Guide which encourages renewable energy specifically solar roof panels.
 27. The appellant wants to make the property more energy efficient and reduce reliance on fossil fuels. The solar energy from the panels would be used to provide supplementary heating and hot water, lights and power etc. Some energy would also be stored off-peak in a battery pack. The property currently uses 7000 kWh of electricity in a year from the National Grid and around 7614 kWh of renewable energy per year would be generated by the panels.
 28. The resultant use of renewable energy and reduction in carbon emissions would align with national and local guidance, help to address the effects of climate change, and contribute to climate change targets. Some electricity would be exported back to the grid and the income/savings would enable the appellant to invest in the listed building to ensure it remains in good repair and is maintained and enhanced. The proposal would provide an affordable and secure form of electricity. Energy security is important since the property's water supply is fed by a local stream using an electric pump and filter. The solar panels and battery pack would provide additional security to power the water supply.
 29. However, whilst I appreciate that actions such as the appeal scheme in large numbers on a worldwide scale could help to prevent the adverse effects of global warming, it remains that the public benefits arising from the appeal scheme in these regards would not be great given the modest scale of the proposal. As such, the public benefits arising from these matters are of only limited weight. No other public benefits have been put forward which would outweigh the harm to the designated heritage assets I have identified.
 30. For these reasons the proposed development and works would be contrary to LDF Policy 9 which seeks to protect and improve environmental quality and amenity by ensuring development (amongst other things) does not have a significant adverse visual impact on the surrounding area (iv). It would conflict with LDF Policy 20 which regards high quality design and requires development

to reflect the character and distinctiveness of local areas. It would also be at odds with LDF Policy 24 which seeks to protect, conserve and enhance the historic environment and preserve or enhance the special interest of listed buildings.

31. The proposal would also fail to satisfy the requirements of the Act and paragraph 197 of the Framework.
32. Whilst the appellant refers to the presumption in favour of sustainable development, since the proposal affects heritage assets which are protected by the application of policies in the Framework, and with the provisions of footnote 7 to paragraph 11 of the Framework in mind, I do not regard the tilted balance to apply in this instance.

Other Matters

33. The appellant refers to Historic England's guidance relating to the installation of solar panels and has explored alternative technologies. I appreciate that ground mounted solar systems, ground source heat pumps, and micro-wind turbines have been considered and ruled out due to the constraints of the appeal building/site. However, this is not a reason to allow development or works that would be harmful.

Conclusion

34. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

E Worthington

INSPECTOR