



Appeal Decisions

Site visit made on 16 April 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 April 2024

Appeal A Ref: APP/P2365/W/23/3327420

Burscough Old Hall, Chapel Lane, Burscough, Lancashire L40 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs E. I. Ramsbottom against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0229/FUL.
 - The development proposed is Residential extension to Grade II Listed Property.
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Appeal B Ref: APP/P2365/Y/23/3327419

Burscough Old Hall, Chapel Lane, Burscough, Lancashire L40 7RA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs E. I. Ramsbottom against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0230/LBC.
 - The works proposed are Residential extension to Grade II Listed Property.
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Decisions

1. Appeal A is allowed, and planning permission is granted for Residential extension to Grade II Listed Property at Burscough Old Hall, Chapel Lane, Burscough, Lancashire L40 7RA in accordance with the terms of the application, Ref 2023/0229/FUL, subject to the conditions in the attached Schedule of Conditions.
2. Appeal B: Listed building consent is not required for the works, and I therefore take no further action in connection with this appeal.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.
4. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. Section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that the listed building includes any object or structure fixed to the building and any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building. As both parties have indicated that the garage was built in approximately 2002, I have sought clarification from them as to

whether the proposal requires listed building consent. Having considered the comments received and evidence before me, it is my view that the garage is a recent addition, and it did not alter or replace an earlier structure. Although there is a wall linking the garage to Burscough Old Hall it is evident that this is also of relatively recent construction and a wide gate provides a break in this wall, providing a clear point of separation from the Hall. For these reasons, I do not consider that the garage is either fixed to the listed building or satisfies the above definition of a curtilage structure. Therefore, listed building consent would not be required for this proposal, and it has not been necessary for me to determine this element of the appeal.

5. I have a duty under Section 66(1) of the Act which requires special regard to be had to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. In this regard, I have considered the proposal's impact on the setting of Burscough Old Hall and the Church of St John the Evangelist. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issue

6. The main issue is the effect of the proposed development on the setting of Burscough Old Hall and the Church of St John the Evangelist which are Grade II listed buildings.

Reasons

7. Burscough Old Hall, listed as 'Burscough Hall Farmhouse' is a Grade II listed building (Ref. 1220368, listed in 1993) (the Hall). The list description mentions that the two storey farmhouse dates from the early 17th century and is constructed in red brick with some pebble-dash, has a stone slate roof with some corrugated sheet. It mentions the irregular plan of the building with the main range on an east-west axis with four short gabled wings to the north side and a large gabled barn to the west end of the south side. It then describes the arrangement of windows and doors, other detailing, and a brief mention of interior features. It notes that the building has a historical connection with Recusants, a religious group who used the building as a mass centre from the late 17th century until the Church of St John the Evangelist was built.
8. The Hall has group value with the Church of St John the Evangelist alongside. The list description notes that the Church (listed as Roman Catholic Church of St John with Presbytery Ref.1220384, listed in 1972) (the Church) is a 19th century, mainly red brick/render and tile building with the Church forming a receding wing to the two storey presbytery. It also outlines its architectural detailing. From the details available to me, including the list description, I consider that the special interest and significance of the Church, insofar as it relates to this appeal, is predominantly derived from its age, form, fabric, architecture, and historical association, along with its collective value with the Hall.
9. Both parties mention that the Hall was substantially rebuilt following a fire in 2002. Having viewed the Hall on site and drawing from the information in the appellant's Appeal Heritage Statement (July 2023) (HS) I noted significant differences between the appearance of the current building and the list description. This suggests that the list description has not been updated

following the rebuilding. Differences included the shape and size of its footprint, and, on some elevations, I saw a different arrangement to its openings and appearance, and there was no longer an attached barn. The main elevation facing Chapel Lane appears most comparable to the list description and historic images, with areas of historic brickwork visible and a similar elevational appearance. The elevation facing the site of the appeal proposal appears to have previously had an attached extension running along much of its width, which is no longer present.

10. Taking account of the extensive rebuilding and alteration, I consider that the special interest and significance of the Hall, insofar as it relates to this appeal, is predominantly derived from its continued presence on the site, its overall form, and the form and detailing of the elevation facing the road. Furthermore, the historical association with the Recusants and the Church alongside contribute to that significance.
11. The setting of a listed building is defined in the Framework as being the surroundings in which a heritage asset is experienced. The Hall is prominently situated at the end of Chapel Lane and this view, together with the combined view of the Church alongside contribute to the Hall's significance and special interest. Today, the building is set within a large, lawned garden with open views of the surrounding landscape. However, previously, the evidence indicates that the Hall was part of a farmstead with ancillary buildings to its west and south and smaller enclosures. Therefore, with the removal of those buildings and redevelopment post listing the historic farmstead setting has been replaced with a much larger, open cultivated garden, with domestic driveway and garage. As a result, in my view, regarding the appeal before me, I consider that the current garden contributes little to the significance and special interest of the Hall. Its contribution now is to the extent that it allows wider, uninterrupted views of it, to identify some historic boundaries, and to appreciate its visible association with the Church.
12. As I have already identified, the garage subject to this appeal is not an historic structure, nor does it appear to replicate anything that previously existed. It is a feature associated with the modern garden and owing to its position, form, and design, I consider it to have a neutral impact on the setting of the Hall.
13. The appeal proposal seeks to extend the garage by largely replicating its form and materials, together with a single storey flat-roofed addition, faced mainly in larch cladding, with a sedum roof, wrapping around the southern corner. The additions would each be set back from the existing garage frontage. Owing to the existing boundary wall, only the taller ridged roof addition would be visible from some points on Chapel Lane. However, the development would be visible from the Hall, although some distance away from it.
14. The Council considers that the significant alteration and enlargement of the garage, together with rooflights, would have a direct impact on the setting of the listed building and would appear more as a dwelling than an associated outbuilding. However, in my view, the form and design of the proposal would not be overtly domestic in appearance as the taller element replicates that of the garage and the flat-roofed element with its articulated form and muted materials would read as a further, subordinate, ancillary outbuilding. Furthermore, it does not have the typical features associated with a dwelling such as a legible frontage, symmetry, or domestic features such as a chimney,

porch, or dormers. Even if it were to be viewed as a domestic building, I do not see how that would be harmful to the setting of the Hall given its large garden, the visual separation, the diminished level of significance of the western elevation of the Hall because of rebuilding and alteration, and the fact that the grounds are no longer functioning as a farmstead.

15. It would be a large extension in relation to the existing garage but the garden itself is large, and the extension would be neatly positioned in a corner well away from the Hall. It would still allow ample scope within the garden to appreciate views of the Hall and would not be prominent from Chapel Lane. It would be subordinate in scale to the Hall and there would be no division of the site, or changes to access points or boundaries. The existing garage would also be retained for parking and storage.
16. Therefore, from what I saw on site and based on the information before me, I see no reason why the appeal proposal would detract or draw the eye from the Hall. Furthermore, it would not be readily viewed in conjunction with the Church alongside and would not interfere with the visual relationship of the Hall and the Church. The contribution that the setting makes to the significance of the setting of these listed buildings would therefore be maintained.
17. Accordingly, there would be no conflict with Policy EN4 of the West Lancashire Local Plan (2013) (LP). This seeks amongst other things, to ensure that development will not adversely affect a listed building. The development would also comply with the requirements of the Act and there would be no conflict with the Framework.

Other Matters

18. The Council has concluded that the proposal would not be inappropriate development in the Green Belt and in this regard complies with its development plan policies. I have no reason to disagree with this assessment and have therefore not pursued this matter any further.

Conditions

19. I have considered the conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG). In the interests of conciseness and enforceability, the wording of some of the conditions have been amended and superfluous text has been removed. Conditions are required to secure compliance with the submitted plans and details, and to provide certainty as to what has been permitted.
20. A condition regarding facing materials is required in the interests of the special interest and significance of the nearby heritage assets and to ensure compliance with LP Policy EN4. A condition is also required, in accordance with LP Policies GN3 and IF3, to ensure adequate drainage, minimise the risk of flooding and to maintain water quality. I have also added the condition suggested by the Highway's Authority in the interests of highway safety and to accord with LP Policy GN3.
21. To avoid the subdivision and fragmentation of the garden which may affect the setting of the listed building, a condition is attached to prevent the building becoming a separate residential dwelling. This would also ensure compliance with LP Policies GN1 and RS1. Whilst the appellant considers that this wording goes beyond what planning policy would ordinarily allow, no explanation or

alternative wording has been provided. Given the location of the dwelling and the relationship with the listed building, I consider that the wording provided by the Council is appropriate.

Conclusion

22. For the above reasons and taking account of all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

Schedule of Conditions

APP/P2365/W/23/3327420

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plans Ref. 22/EIR/017 03.1B – Proposed site plan, floor plan, elevations, street scene and section plan.
- 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details/samples.
- 4) No above ground construction works shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme.
- 5) For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be made available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
- 6) The ancillary accommodation hereby permitted shall only be used for the purpose of providing residential accommodation for a person directly related to and dependant on the occupiers of the main dwelling (Burscough Old Hall) for so long as they shall reside permanently at the site. After which the whole of the ancillary accommodation shall only be used in conjunction with the remainder of the application site as a single-family dwelling house and not be used as a separate independent unit of residential accommodation.