



Appeal Decisions

Site visit made on 26 March 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal A Ref: APP/A4710/W/23/3326361

Barn to East of 47 Sparkhouse Lane HX6 3QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gareth Hooson against Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00361/FUL.
 - The development proposed is Extension of Barn Adjacent to 49 Sparkhouse Lane.
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Appeal B Ref: APP/A4710/Y/23/3326359

Barn to East of 47 Sparkhouse Lane HX6 3QU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Gareth Hooson against Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00362/LBC.
 - The works proposed are Extension of Barn Adjacent to 49 Sparkhouse Lane.
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Decisions

1. Appeal A is dismissed, and planning permission is refused.
2. Appeal B is dismissed, and listed building consent is refused.

Preliminary Matters

3. The two appeals in the banner headings above concern the same proposals at the same property under different legislation. For the sake of expediency, I have dealt with both appeals together in my reasoning.
4. Having regard to the document 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of state (England) Direction 2021', Historic England should have been notified of the application for Listed Building Consent. This is because the proposal includes the demolition of a principal external wall of the principal building.
5. I have concluded that the proposed development should be dismissed for reasons relating to its effects on the significance of a designated heritage asset, the character and appearance of the area and living conditions of neighbouring occupiers. In these circumstances, little would be gained by delaying the decision to undertaking that notification. Had my decision been otherwise, however, I would have provided an opportunity for the notification to take place.

6. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.
7. The Calderdale Local Plan 2018/19 – 2032/33 Written Statement (LP) was adopted by the Council in March 2023. This has replaced the Replacement Calderdale Unitary Development Plan (UDP). I note the appellant has only discussed these superseded policies in their appeal submissions rather than those of the LP. However, the LP was adopted prior to the submission of the appeal and would have been the adopted development plan at the time. As such I have not referred back to the main parties for their views on the LP.

Main Issues

8. Whilst the Council has not issued decisions, the appeal evidence submitted explains it has substantive concerns relating to various matters. Therefore, the main issues are as follows:

For both appeals, whether the proposal would preserve the Grade II listed building or any features of special architectural or historic interest which it possesses.

For Appeal A only:

- whether the proposal would constitute inappropriate development in the Green Belt;
- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of occupiers of adjacent dwellings.

Reasons

Listed Building (both appeals)

9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The listing description¹ for the barn gives the name of the building as 'Barn Approximately 5 Metres to East of Nos 47, 49 And 53 (Lower Spark Farmhouse)'. It is Grade II listed and evidently dates from the late 17th Century with some 19th Century alterations. The building is constructed from coursed square stone with stone roof tiles.
10. I understand that the building has had planning permission² and listed building consent³, and revisions to both⁴, granted for the conversion into a dwelling. I am informed that some of the work has already begun. The Council references a condition attached to both permissions which required a structural assessment be undertaken prior to work commencing to the north elevation. It is unclear whether any work to that elevation has commenced, but there is concern that this condition has not been discharged. As I am dismissing the

¹ List Entry Number: 1313749

² 18/00136/CON

³ 18/00137/LBC

⁴ 21/00560 & 21/00561

appeals, I have not considered this further, although I note in their appeal submissions the Council recommend that this condition is attached to any grant of permission.

11. From all that I have seen and read, its special interest and significance as a designated heritage asset is derived predominantly from its age, its simple form comprising a high solid to void ratio, surviving historic fabric, its vernacular character and the contribution it makes to the rural and agricultural heritage of the area. Furthermore, the barn has identified group value and given the reference to No's 47, 49 and 53 Sparkhouse Lane, it derives part of its significance from the association with this close grouping of buildings and historic functional relationships.
12. It was apparent at the site visit that the barn has been redundant for some time and some sections of the exterior were in poor condition, including the roof and the wall proposed to incorporate the extension. Despite the condition, its plain but robust form and structure remain, and the agrarian origins and evolution of the building are still legible.
13. The proposal seeks to use similar materials to the host building in terms of the roof tiles and coursed stone of the walls. However, the extension would include a large expanse of modern glazing with a considerable proportion of the facing wall replaced by glass. There would also be a glazed link wrapping around both sides and across the proposed roof. This would evidently signify the point at which the new works would be joined to the existing structure. This extensive use of modern fenestration would appear incongruous set against the more traditional proportions of the existing openings of the barn and damage its character by introducing an overtly domestic and modern feature.
14. Moreover, the proposal would entail the removal of the north gable wall and while some of the stone may be reused in the extension, this would require the irrevocable loss of a considerable amount of historic fabric while also adding significant mass and bulk to the building, despite a slight set down from the host ridge. This would cause further harm and not conserve the heritage asset in a manner appropriate to its significance.
15. In light of the above, I conclude that the proposal would not preserve the Grade II listed building or its setting. As such, it would not meet the requirements of the Act and would harm the significance of the listed building. As per the approach in paragraph 208 of the Framework, the proposal would amount to 'less than substantial' harm to the significance of this designated heritage asset. This harm is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
16. There is no reference to any public benefits arising from the proposal, although this may include some benefit to local businesses from the construction as well as improvement to the area's housing stock. However, these would be very limited and worthy only of an equivalent limited amount of weight in favour of the proposal.
17. As such, in the absence of sufficient public benefits that would outweigh the harm identified, I conclude that the proposal would fail to preserve the listed building or its setting. Overall, the proposal would be contrary to the Act and

the provisions within the Framework as detailed above, which seek to conserve and enhance the historic environment.

18. The proposal would also be contrary to policy HE1 of the LP, which seeks to ensure that development proposals should conserve, and where appropriate, enhance, the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale. This includes historic farmsteads and barns.

Whether Inappropriate Development in the Green Belt (Appeal A)

19. The appeal site is located adjacent Sparkhouse Lane on the outskirts of Sowerby Bridge and comprises a redundant barn adjacent a pair of semi-detached dwellings and other outbuildings.
20. Subject to the exceptions listed in Paragraphs 154 and 155, the Framework makes clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposal before me was assessed under the exception given in paragraph 154(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. Policy GB1 of the LP largely replicates the wording of these paragraphs of the Framework and includes the same exception to the extension of an existing building.
21. The appellant advises that the extension to the building would add approximately 186m³ to the existing 815m³ volume of the barn, equating to a 23% increase. I note this percentage increase is not disputed by the Council, nor has it offered any calculations to the contrary, but that the bulk and height of the extension would constitute a disproportionate addition to the building. I see no reason to dispute the calculations based on the evidence before me.
22. Moreover, the extension is set down from the main ridge of the roof of the barn and set in from either side, albeit slightly. Any extension over the size of the existing building would invariably lead to an increase in size but to my mind 23% would not be disproportionate in this case, especially considering the large size of the host building.
23. Therefore, I conclude that the proposed development would not constitute a disproportionate addition over and above the size of the original building and would not therefore be inappropriate development in the Green Belt. As such, there would be no conflict with the Green Belt requirements of the Framework or policy GB1 of the LP. Given this conclusion, it is not necessary for me to consider the impacts on openness and whether there are other considerations which would amount to very special circumstances necessary to justify the proposed development.

Character and Appearance (Appeal A)

24. The appeal site is located within a locally designated Special Landscape Area. Generally speaking, the local area is of overwhelmingly rural character typified by agricultural fields either side of the narrow road lined by stone walls which runs roughly east to west overlooking Sowerby Bridge. Buildings along this road are of similar simple form and traditional materials. Despite its existing condition, the host barn makes a positive contribution to the area due to its vernacular rural character. It is prominent when travelling along Sparkhouse Lane given its position abutting the road.

25. The set down and set in of the extension from the main ridge and both side elevations allow a limited degree of subordination to the host building. I understand there is concern from the Council regarding the type of specific roof tiles which would be used, although if I was allowing the appeals a condition to agree these details could have been attached to any grant of permission or consent.
26. For the reasons set out when assessing the significance of the listed building and its setting, I consider that the proposal would appear incongruous and harm the significance of the building as a heritage asset due to its design, particularly its size, scale and form. As it would be visible in the local area and given the positive contribution that the barn makes locally, it follows that it would also lead to some harm to the character and appearance of the area.
27. Consequently, the proposal would conflict with policies BT1 and GN4 of the LP, which seek to ensure development proposals respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness, in particular any heritage assets. The proposal would also be contrary to paragraph 135 of the Framework which advises that development proposals should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living Conditions (Appeal A)

28. The host barn is offset at a slight angle relative to the nearest dwelling, which is 49 Sparkhouse Lane. My attention is drawn to Annex 2 of the LP which seeks to ensure adequate space about buildings is achieved and is read alongside Policy BT2. I am informed that a distance of 12m is required given the circumstances of the proposal. On this facing elevation, there are two doors and one window which serves the kitchen, which is defined in annex 2 as a habitable room.
29. The Council informs that the distance between the side of No 49 and the extension would be 10m. This would be a 2m shortfall and I note the appellant does not dispute the measurement. The impact upon the living conditions of occupiers of No 49 as a result of the conversion of the barn was evidently assessed during the aforementioned granting of planning permission and listed building consent. However, the proposal before me would introduce a two-storey structure which would project out some 4.3m. This would significantly infill the existing gap between the barn and a garage to the north which provides outlook for the kitchen window. This outlook would be reduced and would be harmful to occupiers of No 49 when viewed from a habitable room window.
30. There is also reference to impacts upon No 53 through outlook. However, there is nothing substantive before me on this property, such as the distance from the extension or which rooms any facing windows would serve. Based on the limited evidence before me I cannot conclude that occupiers of this property would have their living conditions harmed given the extra distance from the extension. As I am dismissing the appeal on other matters I have not asked for extra clarity on this issue.
31. Bringing things together, the loss of outlook caused by the extension would therefore have a harmful effect upon the living conditions of occupiers of No 49. This would be contrary to Policy BT2 of the LP, which seeks to ensure

development proposals should not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents. The proposal would also be contrary to paragraph 135 of the Framework, which advises development proposals should ensure a high standard of amenity for existing and future users.

Conclusion – Both Appeals

32. I have found that the proposed development would fail to preserve the listed building or its setting. In the parlance of the Framework, the harm to the significance of the designated heritage asset would be less than substantial, but still of considerable importance and weight, which I find would not be outweighed by public benefits. I have also found further harm to the character and appearance of the area, including to a Special Landscape Area, and to the living conditions of occupiers of an adjacent property.
33. Conversely, I have concluded based on the evidence before me that the proposal would not represent inappropriate development in the Green Belt. This is based on the calculations provided to me and my own observations on the site visit based on the site-specific circumstances. However, this is a neutral factor and does not outweigh the harm I have found with regards to the other main issues identified in this report.
34. Accordingly, for the reasons given, I conclude that both appeals A and B should be dismissed, and planning permission and listed building consent be refused.

C McDonagh

INSPECTOR