



Appeal Decision

Site visit made on 29 April 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/A4710/Y/23/3327191

1 Whitehall Fold, Townfield Lane, Heptonstall, Calderdale, Hebden Bridge, HX7 7NY

- 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 S&N Corrigan against the decision of Calderdale Council.
 - The application Ref 22/01223/LBC, dated 9 November 2022, was refused by notice dated 15 May 2023.
 - The works proposed are described as 'internal alterations including truss modifications, the installation of 2 No. new conservation-style rooflights and the installation of an on-roof solar photovoltaic array.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the works 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).
3. Following discussions with the Council the originally proposed solar photovoltaic array was removed from the application prior to its determination and revised drawings were submitted. I have also dealt with the appeal on this basis.
4. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Since this post-dates the evidence provided by the main parties in relation to this appeal, they have had the opportunity to comment. I confirm that all references to the Framework in this decision are to the updated 2023 version.

Main Issue

5. The main issue is whether the works would preserve the Grade II listed building, Barn 10 metres to north of Whitehall Farmhouse (Ref: 1226507) and any of the features of special architectural or historic interest that it possesses.

Reasons

The listed building

6. The appeal building is a former barn dating to the mid 18th century. Built in hammer dressed stone with a stone slate roof the building has been converted to residential use and comprises two self-contained dwellings in the same
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ownership. These are referred to as the main house at the western end of the property which was converted to a dwelling in the early 1990s, and the cottage at the eastern end of the building which was converted in 2015/16. Further renovation works took place in 2018.

7. Despite its conversion and the associated alterations that have taken place, for the most part the building maintains its historic character, scale and proportions as well as elements of its historic fabric and traditional features. As a result, the building retains its attractive character and understated rural charm, with a traditional vernacular design and remaining architectural and structural features typical of its location and commensurate with its historic agricultural use and construction. Thus, its historic character is still legible.
8. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its simple vernacular form and design, its surviving historic fabric as well as from its remaining architectural and structural features. All of these attributes attest to its former use as a barn and association with agriculture.

The proposed works

9. The proposed works seek alterations to enable the building to be used as a single dwelling rather than two units. Changes include the provision of interconnecting doors at each floor level as well as new steps to accommodate the different floor levels between the two elements of the building. As part of the scheme a new studio/workspace would be created at first floor to serve the appellants' business.
10. The Council raises no objections to some elements of the works including the removal of the staircase and internal steps, the introduction of new steps, the relocation of the hot water cylinder, the removal of a stone hearth and flue, and the introduction of a new internal doorway at ground floor level. I see no reason to come to a different view to the Council on these matters.
11. However, the Council is concerned about the proposed modifications to a historic roof truss which are required to provide a new interconnecting door at first floor level, and about the insertion of two roof lights.
12. In order to achieve a doorway of adequate height a historic queen post roof truss would be modified. A doorway width section of the tie beam (lower horizontal section) would be removed between the existing store room in the main house and the proposed new studio in the cottage. The stability of the truss would be maintained with the installation of a bespoke steel bracket that would tie the queen post securely to the remainder of the horizontal tie beam. This would then be bolted to the face of the truss on the store side.
13. As things stand the truss is fully concealed in the cottage, but is for the most part visible in the main house, apart from where it is behind plasterboard in a storage cupboard on the first floor. The proposed alterations would mean that the upper horizontal section of the queen post and a section of the angled part of the truss would be made visible on the landing of the main house where the plasterboard would be removed. The truss would frame the new doorway and would be better revealed.

14. Nevertheless, as a result of the works, the historic beam would be partly removed and altered and some historic fabric would be lost. I am aware that similar modifications were undertaken to the building's other queen post truss as part of previous works there. As such, I am conscious that the truss that would be modified by the appeal scheme is the only one remaining in its unaltered historic form.
15. As well as leading to a further loss of historic fabric, its partial removal would mean that the longstanding form and construction of the barn would no longer be present in the building. The last remaining vestige of this distinctive structural feature, which tells of the building's historic construction and agricultural past, would be eroded. Whilst the opening up of the remaining part of the truss to view internally would be a benefit of the scheme, this would be insufficient to mitigate the harm that would arise from its alteration and partial loss.
16. The works to the truss would be internal and would not be visible from outside. However, this does not affect my conclusion. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained.
17. Additionally two conservation style rooflights would be installed to the building's northern roof plane. These would provide additional daylight to the proposed studio and would be positioned between the existing feature purlins and installed with recessed flashing kits. Nevertheless, they would be inserted into parts of the traditional roof and would inevitably lead to the loss of some of the historic fabric there. By their nature they would be of a modern design with a glazed reflective surface. This would be in direct contrast to the traditional nature and natural finish and texture of the slate roof.
18. There are already three rooflights on this roof slope. These are larger than those proposed and set higher up the roof towards the ridge. Whilst the proposed rooflights would be smaller and designed to match the appearance of the existing rooflights, they would still have an obvious and strident appearance. This being so, they would appear as further modern additions to the building that would stand out as conspicuous features on the relatively low roof slope. In introducing two further windows, they would also lead to a proliferation of rooflights there which in combination would further detract from the functional vernacular form of the historic barn and further erode its agricultural quality and simplicity.
19. In coming to this view I have had regard to the support for the proposed works from a neighbouring occupier who refers to a prevalence of rooflights in the village. However, this does not alter the harm that would arise to the listed building in this case.
20. I am aware that the proposed works concerning the truss and the rooflights are very similar to those that have been previously approved at the appeal property. However, the Council confirms that those works were found to be acceptable in the context of the wider conversion and renovation works to the appeal property and were considered at that time to help to preserve the listed building for future years. Moreover, the further proposed appeal works would be in addition to those already approved modifications and so would add further to their impact and have a cumulative effect.

21. I appreciate that the appellants have deliberately designed the scheme to minimise physical changes to the property, to conserve the existing building fabric, to be cost effective and to minimise disruption during the works. Other internal layouts were explored but ruled out.
22. Nevertheless, despite these factors, for the reasons set out above, it remains that the proposed works would unacceptably compromise the form of the building's last remaining traditional truss and lead to a loss of historic fabric. This would further dilute the remaining evidence of the building's agricultural construction and past which is intrinsic to its character. In introducing additional rooflights the building's traditional rural character would be further diminished.
23. This being so, I consider that overall the proposed works would further impair the building's historic legibility, reduce its authenticity and fail to preserve its special interest. In coming to this view I have also had regard to the removal of the existing flue to the roof that forms part of the overall package of works. This would see the removal of a modern feature and would represent an enhancement to the significance of the listed building. However, since the flue is relatively modest in size and is not prominently located, the benefits arising from its removal would not be substantial, and would be insufficient to outweigh the harm the heritage asset that I have identified.
24. I therefore conclude on the main issue that the proposed works would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.

The heritage balance

25. The Framework advises at paragraph 205 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 206 advises 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. I consider that the harm to the listed building in this case would be less than substantial, but nevertheless of considerable importance and weight. The appellants also accept that the proposed changes can be regarded as causing less than substantial harm to the significance of the heritage asset.
26. Paragraph 208 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.
27. The proposed works would allow the use of the building as a single dwelling with a better use of space at each floor level and improved flow and connectivity within the building. It would facilitate the use of the property as a multi-generational family unit and provide a suite of rooms at ground floor level to meet the accessibility needs of one member of the household and enable them to remain living with the family. All members of the family live in the village and are active and valued members of the community. The appeal scheme would enable them to stay living there.

28. The appellants run a successful business from the property which employs family members and another local person. This brings skills and economic benefits and raises the profile of the area to a wider audience. The proposal would provide a more suitable working environment in the enlarged studio for the business to continue to succeed. Additionally it is argued that the occupation of the building as a single dwelling would be the optimum viable use of the property, and would be more appealing to the wider market, and add a family home to the housing market in the future.
29. That said, I have seen nothing to suggest that the use of the building as residential accommodation would be likely to cease in the absence of the appeal scheme. Nor is there any evidence to demonstrate that the appellants' business would no longer operate or continue to succeed should the appeal be unsuccessful. Additionally, I have seen nothing to indicate that the appellants and their family would necessarily leave the appeal property or the local area/community if the appeal were to fail. Furthermore, although I appreciate that the appellants considered other internal layout options, based on the evidence before me, I am not persuaded that an alternative less harmful scheme to successfully combine the two units and provide a workable layout to meet the appellants' stated needs can necessarily be ruled out.
30. Thus, whilst I accept that a number of private benefits would arise from the proposed works, any public benefits are limited by these factors.
31. Enhancements to the listed building itself are also public benefits of the proposed works. The removal of the flue and the revealing of parts of the truss that are currently concealed would enhance the significance of the building. However, as set out above, these limited enhancements are insufficient to outweigh the overall harmful effect of the proposed package of works when taken as a whole. I am also conscious that these enhancements could be realised in the absence of the appeal scheme or via an alternative proposal.
32. Finally, it is argued that the proposal would mean that the property would remain in single ownership such that it is maintained consistently to ensure an integrated appearance beneficial to the host building and the surrounding area. However, given the listed status of the building I am content that its appearance can be adequately controlled by the Council.
33. I therefore find that, even taken together, the public benefits in this case are insufficient to outweigh the harm to the designated heritage asset that I have identified. For these reasons the works fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
34. The decision notice refers to Policies HE1 and BT1 of the Calderdale Local Plan (LP). The appellants argue that since it was submitted in November 2022 the application should have been determined in the context of the Replacement Calderdale Unitary Development Plan (UDP) rather than the LP which was not adopted until March 2023. It is argued that LP Policy HE1 (which requires proposals to conserve, and where appropriate enhance the historic environment and indicates that harm to a designated asset will only be permitted where this is outweighed by the public benefits of the proposal) to be more onerous than UDP Policy BE14.

35. I appreciate that due to delays in processing the application including a change of case officer, the determination deadline for the application of January 2023 was not met. I also note that if this deadline had been met, the applications would have been determined under the policies in the UDP.
36. Be that as it may, the application was refused on 15 May 2023 by which time the LP was the adopted plan for the area. As such, and in the likely absence of the superseded UDP policies, it was appropriate and necessary for the appeal scheme to be considered against that development plan at the time of its determination. I am also mindful that if the proposed works had been considered within the scope of their determination deadline, they would in any case have been subject to the advice in the Framework. As such, the weighing of public benefits would not have been avoided.
37. As set out above, I am aware that works similar to those proposed under the appeal scheme have been previously approved at the appeal property. I also note that the UDP would have been the development plan at that time. Nevertheless, it remains that the proposed works would be over and above those works (which were approved under different circumstances) and would have an additional or cumulative effect. Thus, I have seen no evidence to demonstrate that the scheme would necessarily have been considered favourably under the UDP rather than the LP as suggested by the appellants.
38. Finally on this matter, I am conscious that listed building appeals are not in any event subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan. Thus, whilst I have had regard to the development plan policies in this case as a material consideration (and confirm that for the reasons set out above the proposed works would be contrary to LP Policy HE1), they are not determinative.

Other Matters

39. The appeal property is within the Heptonstall Conservation Area and the Council indicates that the building contributes to its character and appearance. Reference is also made to nearby listed buildings including the adjacent Whitehall Farmhouse and 13-15 Northgate Hall House. However, any impacts of the proposed works on these heritage assets does not form part of the reason for refusal of the scheme. No further details are given and no comments have been provided by the appellants on these matters. Whilst I am conscious of my statutory duty in these regards, given my findings in relation to the main issue in this case, it has not been necessary for me to consider these matters further.
40. As set out above, the appellants indicate that the proposed works are necessary to meet the accessibility needs of one member of the household and enable them to remain living with the family. Whilst no further details are given, I have had regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include age and disability. Since there is the potential for my decision to affect a person with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the above Act.

41. The negative impacts of dismissing the appeal arise since the layout of the building would not be altered as sought. However, these impacts are mitigated by the possibility of an alternative scheme to meet the non-specified accessibility needs of the appellants' family member. As such, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect heritage assets. Even when taken alongside the other considerations forwarded by the appellants, the PSED considerations would not outweigh the harm I have identified in this case.

Conclusion

42. 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