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## 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<sup>th</sup> May 2024**

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**Appeal Ref: APP/A4710/Y/23/3329389**

**Barn at Little Learings Farm, Smithy Lane, Colden, Hebden Bridge,  
HX7 7PD**

- 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 Mr and Mrs P Haigh against the decision of Calderdale Council.
  - The application, Ref 23/00550/LBC, dated 25 May 2023, was refused by notice dated 13 September 2023.
  - The works proposed are described as 'Conversion of barn to dwelling including re-instatement of roof and lean-to extension. Installation of 16 x 370W in-roof Solar PV panels on south facing roof. Amendment to 19/00010/LBC and 20/01380/LBC. Application for Listed Building Consent.'
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### Decision

1. The appeal is dismissed.

### Preliminary 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. 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.
4. In the interests of clarity and accuracy I have taken the name of the appellants from the planning appeal form rather than the planning application form in the banner heading above.
5. Planning permission was granted on appeal<sup>1</sup> in 2020 for the conversion of the appeal building to a dwelling including the re-instatement of the roof. The appellants indicate that this permission is extant. The current appeal scheme includes the conversion of the barn to a dwelling and the re-instatement of the roof. It is the same as the scheme granted listed building consent under 20/01380/LBC, but with the additional inclusion of solar panels to the southern roof of the building. This background has led to my identification of the main issue below.

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<sup>1</sup> APP/A4710/W/20/3249928

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6. There is no appeal relating to planning permission before me and as a consequence this appeal relates only to works which would require listed building consent, but not the planning merits of the case.

### **Main Issue**

7. The main issue is whether the proposed works relating to the solar panels would preserve the Grade II listed building Little Lear Ings Farmhouse, Learings, Colden (Ref: 1226273) and any of the features of special architectural or historic interest that it possesses.

### **Reasons**

#### *The listed building*

8. The listed building is a farmhouse dating to the early 18<sup>th</sup> century. Built in hammer dressed stone with a slate roof over two storeys it is a traditional farmhouse typical of the area and located on a hillside surrounded by countryside. It is accessed via a long track which leads from Smithy Lane between a gap in the terraced houses there. The appeal building is the former barn to the farm which is attached to its western end and in a derelict state. Learings Cottage is beyond the barn to the west and together this collection of buildings form a short linear row of development on the hillside. The surrounding rural area is characterised by other similar pockets of traditional farmhouses and associated buildings, some of which are also listed.
9. Whilst the listing description does not refer to the barn, the structure is attached to the farmhouse, appears to have been erected prior to 1948 and is within the historic curtilage of the listed building. Accordingly, the parties are agreed that it falls to be considered as part of the listed building and I have seen nothing that would lead me to take a different view.
10. Despite the dilapidated state of the barn, the building overall maintains its simple form and proportions as well as elements of its historic fabric and traditional architectural features. The close relationship between the domestic farmhouse and the agricultural barn typical of historic farmsteads remains discernible. Thus, the building's historic character as a Pennine farmhouse and associated barn is still legible and it retains an attractive rural appearance and functional charm typical of the surrounding area and the local vernacular.
11. 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 scale and functional design and proportions as well as from its use of traditional materials. It is also drawn from the building's prominent location on the hillside and its countryside surroundings. All of these factors attest to its function as a building formerly associated with farming within a rural area.

#### *The effect of the proposed works on the listed building*

12. A 5.92kW array of JA Solar PV panels would be installed on the south facing roof of the barn. I appreciate that the approved works to the barn have not yet commenced and that the reconstruction of the barn presents an ideal opportunity to incorporate the panels and maximise effectiveness in terms of energy generation.

13. The appellants refer to the 'whole building' approach to energy efficiency and reducing carbon emissions. The 16 black panels would incorporate an 'in roof' integrated design system, and would be inset to sit flush with the tiles such that they would not stand proud of the stone slate border.
14. Since the roof of the barn has yet to be built, there would be no damage to the historic fabric of the building. Nevertheless, the panels would be provided to the roof instead of the approved natural stone slates. They would cover most of the barn roof with only a narrow strip of stone slates being provided above, below and to the side of them. This being so, the panels would be considerable in extent and would almost completely cover the barn's southern roof slope.
15. The panels would have a generally smooth surface and texture and incorporate contemporary materials. By their nature they would be of a modern design with a uniform and reflective surface. As a result they would appear in direct contrast to the traditional design and natural finish of the approved slate roof tiles. Despite their dark colour and recessed position, 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 be visible.
16. The panels would be seen in closer range views from the open land and footpaths to the north of the appeal building, and in longer range views from Hudson Mill Lane and the Pennine Way on the opposing hillside to the north. I accept that the panels would be seen from there in the context of the wider roofscape of the short row of buildings, and balanced by buildings on either side. Nevertheless, they would be prominently sited on the new barn roof which would exceed the height of the farmhouse and would be highly visible as a result. Besides, 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.
17. Due to these factors, I find that the proposed panels would be appreciated as highly distracting and incongruous modern additions to the appeal building that would appear directly at odds with the rural simplicity of its historic form and design and traditional materials. They would dominate the southern roof plane of the barn and undermine the sense of the building's historic purpose as an agricultural building and erode the ability to appreciate it as such. They would also draw attention away from the farmhouse building itself. This being so, I find that the panels would impair the listed building's historic legibility and significance and would fail to preserve its special interest.
18. In terms of alternatives, the appellants have considered ground mounted panels but ruled these out due to the limited size of the dwelling's curtilage and shadowing from trees. They also consider that these would be more incongruous and conspicuous in close range public views from nearby footpaths. I understand that a smaller roof array was also considered but was not supported by the Council. However, a lack of alternatives for the solar panels is not a reason to allow works that would be harmful.

19. The appellants refer to other permitted solar panels including at Kings College Chapel Cambridge where panels were granted to the roof of a Grade I listed building. Reference is also made to the Royal Borough of Kensington and Chelsea where a planning order that gives consent for solar panels on listed building without the need for listed building consent has been introduced. Additionally I have had regard to the local precedents within Calderdale which are cited by the appellants.
20. That said, the appellants have provided no further details relating to these national and local examples. As such, I cannot be sure that buildings concerned and 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 appeal before me. Since I am not convinced that the locationally specific listed buildings in London are likely to share the same characteristics as the appeal building, that order adds no weight in favour of the appeal scheme.
21. I have also considered the appellants' argument that the proposed works are reversible as the panels could be replaced with stone slates at a later date if required. 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.
22. Bringing matters together, for the reasons given, I therefore conclude on this 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*

23. 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.
24. 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.
25. Addressing climate change and promoting renewable and low carbon energy are aims of the Framework which states at paragraph 157 that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 163 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). The appellants also refer to the UK Action Plan on the declared climate emergency.

26. At a local level the environmental benefits of the proposed works would help to meet Calderdale's net-zero targets and are supported by policies in the Calderdale Local Plan (Local Plan) which recognises the need to facilitate the transition to a low carbon future in a changing climate. LP Policy CC6 which concerns the assessment of renewable and low carbon energy development proposals, recognises that the take up of solar energy technologies has increased, particularly as the technology has become more efficient and costs have reduced, and supports an increase in the use of solar power (whilst recognising that this approach has to reflect amenity concerns particularly in sensitive locations such as within the curtilage of a listed building).
27. Although solar panels are already installed to the roof of a modern outbuilding to the east of the appeal building, these serve the farmhouse which is a separate dwelling. The solar panels subject of this appeal would provide an independent source of efficient renewable energy to the barn. In doing so they would reduce the carbon footprint of the new dwelling thereby contributing to the reduction in emissions and tackling climate change. It is also argued that they would demonstrate to the wider public a progressive, forward thinking planning approach to renewable energy and heritage assets. These are public benefits of the scheme. However, given the modest scale of the proposed works these would not be great. As such, the public benefits arising from these matters are of only limited weight.
28. I am mindful that enhancements to the listed building itself are also public benefits. Bringing the barn back into use to help to ensure its long term conservation and re-instating its historic form to enhance the ability to understand the significance of the listed building are public benefits of the proposed works. However, I am mindful that these works already have permission, albeit in the absence of the proposed solar panels. As such, these benefits could be realised by an alternative scheme and this tempers the weight to be afforded to them.
29. No other public benefits have been put forward. I therefore find that 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 would fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
30. The decision notice refers to LP Policy HE1 which expects proposals to conserve heritage assets in a manner appropriate to their significance and indicates that harm to a designated heritage asset will only be permitted where this is outweighed by the public benefits of the proposal. Whilst I am mindful that listed building appeals are not 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, I have had regard to this matter as a material consideration.

## **Conclusion**

31. 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