



Appeal Decision

Site visit made on 26 March 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2024

Appeal Ref: APP/F0935/W/23/3331387

Barn adjacent Manor House, Brisco, Carlisle, Cumbria CA4 0QS

Easting (x): 342279 Northing (y): 551761

- 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 Miss Jessica Taylor against the decision of Cumberland Council.
 - The application reference is 23/0361.
 - The development proposed is the conversion of a barn to dwellings and provision of single storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As only the Easting and Northing co-ordinates of the appeal site were used for the address of the appeal site on the planning application form, for clarity I have included the descriptive address also used on the application form and in other documents submitted by both main parties, including the postcode cited in the decision notice and appeal form. I have also included Easting and Northing co-ordinates in the banner above for clarity.
3. The description of development as set out on the application form refers to dwellings in plural. However, it is evident from the plans supplied that the proposal is for the conversion and extension of a barn to one dwelling, and this is the basis that the Local Planning Authority made their decision and so shall I.
4. On 1 April 2023, Cumberland Council replaced Cumbria County Council, Allerdale Borough Council, Carlisle City Council and Copeland Borough Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. For the purposes of this appeal, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP).

Preliminary Matter

5. A revised National Planning Policy Framework (the Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issue

6. There are two reasons for refusal. The first relates to the building and the effect of the proposal on it. The second reason for refusal relates to the effect of the development on Brisco Conservation Area (BCA). The two reasons for refusal are paraphrased from the Council's officer report. Although a reference

to 'less than substantial harm' is made within the first reason for refusal, it is clear when the reasons for refusal are read together that the harm identified is as result of the works proposed in connection with the conversion of the building which the Council considers causes harm to the heritage asset which in this case is the BCA.

7. Therefore, based on the information before me, I consider that there is one main issue which is the effect of the proposal on the character and appearance of the host building, and whether or not it would preserve or enhance the character or appearance of the BCA.

Reasons

8. The building which is the subject of this appeal is a standalone stone-built barn close to Manor House Farm. It is situated within the Brisco Conservation Area (BCA). It does not appear to have been externally altered or added to. As such, it retains its traditional appearance as an agricultural barn, although on my site visit it was surrounded in scaffolding and the roof had been removed. The barn is built of stone with a slate roof.
9. A report identifying the potential of a Conservation Area for Brisco¹ identifies Manor House as one of the surviving farms in the village and as sitting within the remains of its courtyard farm complex. One of key elements of the village is identified as the survival and distribution of the four farms which create distinctive clusters of agricultural buildings around which some later development has taken place and their landscape setting. The buildings, their layout, form and appearance within the BCA are therefore intrinsic to the significance of the heritage asset.
10. The barn's design and materials suggest simple rural vernacular architecture of a form and type readily seen in buildings in the area, and as such it contributes positively both visually and physically to the character and appearance of the BCA. Although this could apply to many buildings within the BCA which display a vernacular style and stone construction and which are not mentioned in the report referred to above, it does not follow that the building which is the subject of this appeal does not contribute positively to the character and appearance of the BCA. I am therefore satisfied that that the appeal building forms an integral element of the BCA and makes a positive contribution to its character and appearance.
11. Moreover, from the road through the village the barn and its setting are highly prominent, especially on approach from the south, due to the slight rise in topography toward the barn from the road and the barn's relationship with surrounding buildings and vegetation. As such it makes a positive contribution to the visual amenity and character of the area through its simple form and use of materials, which is consistent with and complements other buildings close by.
12. The proposal involves the demolition of the entire southern elevation of the appeal building and its outwards extension which would be finished with blackened timber style composite cladding. Rooflights would be installed on both roof slopes of the barn. The proposed extension would facilitate its conversion to a single dwelling and would also involve a single storey pitched

¹ Brisco, Carlisle, Cumbria Potential for designating a Conservation Area - Carlisle City Council October 2018

roof structure connected the main barn by a flat roofed glazed link. A flue pipe would be installed towards the ridgeline of the main barn roof. Solar panels would be installed on the southern-most roof slopes of both the barn and the single storey extension.

13. In combination the proposed extensions, together with the proposed solar panels and rooflights would significantly alter the barn's appearance when viewed from the road to the south. The appearance of the resultant structure would be incongruous and out of keeping with the simple form of the existing stone barn. In particular, the composite cladding would not be sympathetic the character and appearance of the building.
14. I have not been provided with any substantive evidence that the southern elevation of the building would be required to be demolished and extended in order to facilitate the conversion of the building. Furthermore, the installation of solar panels and flue would diminish the character and appearance of the traditional farm complex and its relationship within the village which would neither preserve nor enhance the BCA. This would be detrimental to the significance of the BCA and would represent less than substantial harm as set out in Paragraphs 200 and 201 of the Framework. Where there is less than substantial harm the Framework requires that such harm should be weighed against the public benefits of the proposal, including securing where appropriate its optimum viable use.
15. I appreciate that the barn itself has no formal designation as a heritage asset. Nevertheless, as set out above its location within the BCA means that it forms an integral part of that heritage asset. The public benefits arising from the barn's conversion and extension therefore have to be balanced against the adverse effect of that on the BCA arising from the extension and domestication of a prominent building within it.
16. The proposal would allow the building to be watertight, improve insulation values and would result in better structural stability than at present. It may also mean that fewer external buildings are required within the curtilage of the building for plant and equipment. I also note that the appellant has stated that an air source heat pump would be installed. However, I have very limited details before me nor have I any means before me to secure its installation.
17. I have noted the appellant's personal circumstances relating to their desire for multi-generational accommodation, that car parking would be provided on site which would not cause an obstruction in the highway and the proposal incorporates mitigation for protected species. None of these matters amount to public benefits which would outweigh the harm I have found. Consequently, I am unable to conclude that the proposal is of such public benefit that it would outweigh the harm to the BCA.
18. I therefore conclude that the development would fail to preserve or enhance the character or appearance of the BCA which would be contrary to Section 72 of the Act. It would also fail to accord with Section 16 of the Framework with regard to heritage assets. As a result, the proposal would conflict with Policy SP6, of the Carlisle District Local Plan 2015 – 2030 (CDLP) which seeks to ensure that development responds to its local context and respects local character and distinctiveness. There would also be conflict with CDLP Policy HO6 which requires conversions of redundant and disused buildings to lead to an enhancement of their immediate setting, and Policy HE7 which requires

development to preserve or enhance the special character of the Conservation Area and its setting and not result in the demolition or substantial loss of heritage assets.

Other Matters

19. The appeal site is located within the catchment of the River Eden Special Area of Conservation (SAC) where nutrient neutrality has been identified as a matter of concern. Evidence refers to nutrient load calculations which have been submitted by the appellant, although I have not been provided with a copy. The Council's officer report states that mitigation in the form of the creation of new habitats is proposed. I have no information before me of the proposed planting or any information which confirms that it would form a suitable mitigation package commensurate with the harm to the SAC. Nor do I have any means before me of securing its implementation, maintenance and retention. However, as I am dismissing the appeal for other reasons, I have not pursued the matter further.
20. I acknowledge that no objections were received to the proposal however the lack of objection does not equate to a lack of harm. My attention has also been drawn to planning approval for a storage barn where similar material was proposed at Brisco Hill. I note that the proposal was for the demolition of a piggery and the construction of a storage barn rather than the conversion of a traditional stone barn to a dwelling. The circumstances are therefore not directly comparable to the case before me. In any case, I have determined the appeal on its own merits.
21. I have carefully considered the personal circumstances of the appellant with regard to multi-generational living. On the evidence before me, I have no doubt the proposal would be of benefit to the appellant's family in meeting their specific accommodation requirements. However, the evidence is unclear on why these needs could not be met through reasonable alternatives to the appeal proposal. Consequently, whilst sympathetic to the appellant's position, I attach only modest weight to the personal circumstances in my consideration of the appeal.
22. I also acknowledge that the proposal may provide a form of accommodation which could be attractive to certain groups. However, the occupation of the dwelling by a person or persons with a particular requirement, could not be controlled or guaranteed. Therefore, this carries neutral weight in the consideration of the appeal.
23. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for a dwelling which the appellant states could be occupied by persons who because of age or disability, are persons who share a protected characteristic for the purposes of the PSED. In dismissing the appeal, I recognise that accommodation which may be suitable for persons with such a protected characteristic would not be forthcoming. However, in my view, the adverse impacts of dismissing the appeal on those persons are proportionate to the adverse impacts that I have identified above.

24. I note that the appellant claims that the proposed solar panels constitute permitted development. Nevertheless, they form an integral part of the proposal for which planning permission has been applied for and I am obliged to determine the proposal as presented to me. If the appellant wishes to pursue alternative schemes this is a matter to be pursued with the Council and not as part of the appeal.
25. I also note comments that the appellant has made with regard to the Council's handling of the applications. This is not a matter which I can take into account in a Section 78 planning appeal and does not alter my findings for which I have had regard solely to the planning merits of the proposal before me.

Conclusion

26. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR