



Appeal Decision

Site visit made on 18 September 2024

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2024

Appeal Ref: APP/Q9495/Y/24/3344153

St Anne's Church, Ings, Kendal LA8 9PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr John Hiley against the decision of Lake District National Park Authority.
 - The application Ref 7/2023/5474, dated 23 July 2023, was refused by notice dated 21 November 2023.
 - The development proposed is 28-panel array of solar PV panels on the south facing roof of St Anne's Church with a battery installation and associated control accessories.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the significance of St Anne's Church, a Grade II* listed building and on the English Lake District World Heritage Site;
 - the local character and distinctiveness of the area.

Preliminary Matters

3. I am aware that following the Lake District National Park Authority's (LDNPA) refusal of the planning application, a judgment from the Consistory Court of the Diocese of Carlisle¹ (the Diocese faculty judgement) was handed down. This sets out a faculty authorising the installation of the solar panels. Nonetheless, it also clarifies that planning consent is required in order for the proposal to proceed. I have taken into account the reasoning set out in the Diocese faculty judgement in reaching my decision.

Heritage matters

Significance of the listed building

4. St. Anne's Church dates from 1743 and is a fine example of a rural place of worship from this mid-Georgian period. It has remained largely unaltered since this time, with notable exceptions being the addition of the northern transept around 1877, and the accessible toilet extension, added to the northern side of

¹ The Consistory Court of the Diocese of Carlisle; Neutral Citation Number: [2024] ECC Car 2; Application Ref: 2023-087670.

the Church in 2019. I also understand that the original entrance on the southern elevation was altered to its current position via the western tower at the same time. This alteration has increased the prominence of the tower and symmetry of the southern elevation.

5. The modest classical design of the Church is derived from its overall form and execution, being constructed from roughly coursed rubble, with a graduated greenslate roof, and simple sandstone quoins and window surrounds. This is enhanced by other simple yet effective details such as the stone urns and flaming torches atop the tower. The classical design is particularly apparent when viewing the southern elevation. Whilst the position of the original main entrance remains slightly in evidence in the stonework relating to the window closest to the tower, overall this southern aspect has gained elegance in its symmetry.
6. Internally the fixtures and fittings of the Church have been pared back, and sympathetic modernisation has occurred. Nonetheless, it retains interesting features including a number of attractive stained-glass windows.
7. Overall, the exterior of the Church represents a particularly good and relatively rare illustration of 18thC rural church architecture in terms of its clear geometric form and classical formality. In this sense its significance and special interest relate to a large degree to its evidential and illustrative values. It is also an attractive and characterful building of aesthetic and architectural value in terms of its form, massing and visual coherence.
8. Alterations to the road layout relating to the small village of Ings has meant that the relationship of the Church with its setting has altered over time. The introduction of a diversion route around the village in 1913 was subsequently widened to form the A591 bypass. The extent of the churchyard of the northern and eastern sides of the Church, together with mature yew, and other trees, now provides an important buffer from both this busy highway, and the retail park to the east.
9. In contrast, the southern aspect of the Church acts as a focal point for the intimate environment centring on Church Lane. Here, the Church, in its slightly elevated position, both commands attention and also complements the local vernacular present in the stone-built Parish Hall and cottages lining Church Lane. In this sense the immediate setting of the Church adds to its heritage interest and significance in terms of aesthetic, evidential, and communal values.
10. More generally, whilst there is some visibility of the Church tower when approaching Ings from the west along the A591, there is very limited public visibility of the Church from other aspects, including the rising land to both the north and south of the village.
11. The appeal site is also within the English Lake District World Heritage Site (WHS), a designated heritage asset. The WHS is acknowledged as having one of the world's finest cultural landscapes, and as having attributes of Outstanding Universal Value (OUV) which must be conserved and enhanced. The Church is a component attribute of the OUV, contributing modestly to the special qualities of the WHS.

Effect of the proposal

12. The proposal would involve the installation of 28 solar panels on the southern roofslope of the Church. The panels would sit on top of the roof on rails fixed to timber rafters, with the associated battery installation placed within the tower.
13. The addition of this substantial solar array would largely obscure the existing greenslate roof from view. It would mask the visibility of this traditional, natural material, with its inherent uneven and weathered appearance, with a solid expanse of uniform panels with an engineered and artificial appearance. Whilst the level of Church Lane is somewhat below that of the churchyard, and in this slightly elevated position the views of the roof are not as direct as if it had been at road level, the roof nonetheless remains clearly visible. As such, the installation of the array would significantly disrupt the coherence of this elevation, from which the heritage qualities of the Church are most readily appreciated. In this way the proposal would undermine the special interest and significance of the Church.
14. Visibility of the southern roof slope is largely from within the village itself, with views from the wider landscape setting being restricted. Nonetheless I have noted the primary significance of the local views village of the southern aspect where the addition of the panels would be readily apparent.
15. I note that the Diocesan Advisory Committee has reached a different conclusion on the extent of the visibility of the panels², suggesting that they would recede and not be read against other details of the southern elevation, and that they would be only partly visible from Church Lane. However, I have considered the impact of the proposal against the current authenticity, modesty, symmetry and overall visual coherence of this view. In this respect I have identified a significant degree of visual intrusion which would be clearly apparent from Church Lane.
16. It has also been suggested that the installation would not affect the Georgian features for which the building is listed. On this point it is important to note that listing descriptions are primarily for identification purposes. They do not provide an exhaustive or complete description of the special interest of the building. I have set out the nature of the heritage interest of the Church above, which includes consideration of its evolution. Of specific note is that whilst it is suggested that the current roof covering is part of a Victorian restoration, the graduated greenslate roof is a feature of the local vernacular which appears entirely appropriate in its context.
17. The proposal would be reversible, which to an extent would mitigate the degree of harm. However, with an expected life in excess of 20 years, this is a significant period of time over which the harm to the integrity of this important designated heritage asset would be readily apparent.
18. The presence of solar panels in the surrounding area is referred to. I am not aware of their specific circumstances. Nonetheless, in accordance with the current measures in place to ensure the protection of designated heritage assets, these existing examples do not create precedents, or undermine the requirement that any further additions must be discretely located so as to be

² Referred to in the Diocese faculty judgement.

sensitive to the special qualities of these heritage assets. For the same reason the example of solar panels being placed on a church in Norwich cannot be considered to set a precedent.

19. Both main parties have referred to recent guidance from Historic England³. This sets out that the installation of solar panels will be acceptable in some cases, with paragraph 97 noting this to be the case if they are hidden from view, including where located in valley roofs and behind parapets on flat or low-pitched roofs. However, paragraph 98 sets out that the installation of panels will generally not be acceptable on principal roof slopes if they would be visible and would detract from the building's special interest. In this case I have noted the importance of the Church Lane aspect of the Church, where the solar panels would be clearly visible and would detract from the building's special interest.

Consideration

20. When considering works affecting a listed building or its setting, the Act⁴ requires that special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight should be. In this case the building is Grade II* listed, and therefore considered to be a particularly important building of more than special interest. It is also located in a WHS.
21. Policy 7 of the Lake District National Park Local Plan (the Local Plan) also sets out the aim to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the historic environment.
22. In accordance with paragraphs 207 and 208 of the Framework, having identified harm to this designated heritage asset I am required to consider the magnitude of that harm. Noting the reversible nature of the proposal, I conclude that this would be less than substantial. There would also be some harm to the WHS, though at a very low-level in the context of this heritage asset overall. In these circumstances the Framework requires that any identified harm is weighed against the public benefits the proposals would secure. I consider this in the planning balance below.

Character and appearance

23. The LDNPA's decision also refers to the effect of the proposal on local character and the sense of place. In this regard I have referred to the context and setting of Ings and the role of the Church in providing a focal point for the village on Church Lane. The proposed installation of solar panels in this prominent location would detract from the visual coherence and local distinctiveness of this part of the village in views along Church Lane. Whilst these are local in nature, with little impact on the wider cultural landscape, the proposal would nonetheless be at odds with local character.

³ Historic England Advice Note 18: Adapting Historic Buildings for Energy and Carbon Efficiency, 2024

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

24. The appellant's view is that Ings is not a coherent attractive Lakeland village, rather it is blighted by the presence of the A591 and the small retail park directly adjacent to it. However, I have noted that the churchyard provides an important element of separation from both the A591 and the retail park.
25. For these reasons the proposal would be at odds with the Local Plan Policy 5 which seeks to conserve and enhance the extraordinary beauty and harmony of the Lake District landscape, its Special Qualities and attributes of Outstanding Universal Value, and Policy 6 which sets out the need for all development to achieve design excellence and to be inspired by and contribute to local distinctiveness.

Planning Balance and conclusion

26. As I have concluded that the proposals would cause less than substantial harm to the Grade II* listed building and the WHS, I am required to weigh this harm against any public benefits that may be secured.
27. The evidence before me sets out that, if successful, the appeal proposal would continue the work started at the Church in 2012 to provide for a well-heated, energy-efficient, and versatile space. At that time under-floor heating was installed, in association with an air-source heat pump and other insulation improvements. In this regard the appellant sets out the benefits of the solar panels and battery storage in completing a holistic plan for the long-term energy and financial sustainability of the Church.
28. In this regard a benefit of the proposal would be to reduce the environmental impact of the Church, with the appellant setting out their estimation that 86% of the Church's energy use would be carbon neutral. This would clearly support Government aspirations, noting the need to support the use of renewable and low carbon energy and associated infrastructure set out in the Framework. It would also assist the Church of England in its aim to be net zero by 2030.
29. The evidence before me also sets out how the installed panels would assist in providing for the financial security of the Church, helping to safeguard the use of the building for the foreseeable future. Specifically, the detailed calculations provided set out that there would be annual savings of over £2,000. Such savings would make the running of the Church more affordable, with its ongoing active use saving it from neglect.
30. More generally, I am aware of the valuable role of the Church as a community building, supporting the wellbeing of its users. Its active use has accelerated following the recent improvements to heating and insulation which have provided a more comfortable environment for year-round use.
31. There is no doubt that the arguments relating to public benefits are compelling. These must be weighed against the statutory presumption against harm to designated heritage assets. Whilst this presumption is not irrebuttable, the Framework at paragraph 206 sets out that any harm to significance should require clear and convincing justification. As the appellant has noted in relation to permitted solar panels at a church in Norwich, reaching a balanced decision between the protection of heritage significance and the need to move towards net zero is not straightforward.
32. In this case the proposal would assist in meeting Government targets in relation to addressing the causes of climate change, albeit at a modest level. It

would also assist in providing for the long-term financial and environmental sustainability of the Church. I recognise that this is both of importance to the local community and would assist in ensuring the ongoing maintenance and preservation of the Church.

33. Set against this I have identified harm to the significance of this important listed building. This harm relates to the erosion of the visual coherence of the southern elevation, a key aspect of the special interest and significance of the building and a focal point for the village of Ings. Although less than substantial, this would nonetheless represent serious harm. I have also noted a little harm to the WHS. I therefore conclude that, whilst the public benefits taken together would be of some significance, particularly locally, they would not outweigh the harm to these designated heritage assets.

Conclusion

34. I have found that less than substantial harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. The proposal is therefore in conflict with the statutory duty to have special regard to the preservation of listed buildings. My findings in relation to character and appearance matters add a little further to the weight against the proposal.
35. The proposal would be contrary to the provisions of the development plan and there are no other material considerations to outweigh that finding.
36. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR