

Appeal Decisions

Site visit made on 11 September 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal A Ref: APP/A4710/W/24/3340230

Lower Crimsworth Farm, Crimsworth Lane, Pecket Well, Hebden Bridge, HX7 8RB.

- 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 Mr R Barker against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01057/HSE.
 - The development proposed is a two storey side extension.
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Appeal B Ref: APP/A4710/Y/24/3342449

Lower Crimsworth Farm, Crimsworth Lane, Pecket Well, Hebden Bridge, HX7 8RB.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr R Barker against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01058/LBC.
 - The works proposed are a two storey side extension.
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Decisions – Appeals A & B

1. The appeals are dismissed.

Preliminary Matters

2. Lower Crimsworth Farmhouse is a two storey historic building that has been divided into two dwellings. According to the application plans, the appeal dwelling is referred to as 'Lower Crimsworth Farm' and the other part of the building is referred to as 'Lower Crimsworth House'. I have dealt with the appeal and referred to the building on this basis.
3. Both appeals relate to the same proposal under different but complementary legislation. Where possible I have dealt therefore with both appeals together in my reasoning.

Main Issues

4. The main issues in Appeal A are:

- whether the proposed development is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework ('the Framework');
- whether the proposal would preserve the Grade II listed building, Lower Crimsworth Farmhouse, or any features of special architectural or historic interest which it possesses;
- whether the proposed development would preserve the setting of other nearby listed buildings; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

5. The second and third main issues in Appeal A are also the main issues in Appeal B.

Reasons

Whether inappropriate development – Appeal A

6. Lower Crimsworth Farm is an extended dwelling located within the Green Belt that was created by dividing the original building into two dwellings. The Framework seeks to protect the Green Belt from inappropriate development. Paragraph 154 of the Framework advises that the construction of new buildings within the Green Belt should be regarded as inappropriate, other than for certain listed exceptions. The third of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹. Policy GB1 of the Calderdale Local Plan ('Local Plan') is consistent with the Framework in this regard.
7. Two very different figures have been provided for the cumulative increase in the volume of the building that would occur should the proposed two storey extension go ahead. The Council states that there would be a 91% increase whilst the appellant states that the increase would be 39.4%. Of the two figures, I find the appellant's to be more persuasive. This is because, together with an increase in original area of 34.4%, it is in keeping with my assessment of the scale of the existing and proposed extensions in relation to the original building. This assessment is based on the submitted plans and views of Lower Crimsworth Farm during the site visit.
8. The justified reasoning to policy GB1 of the Local Plan provides no guidance as to the increase in volume and area of a building that could occur before the extensions to it would be considered to be disproportionate. As a result, this is therefore a matter of planning judgement.
9. The width of the original building has already been noticeably increased as a result of the two storey side extension built in the 1970s. Since then a single storey conservatory has been added to the rear of the building which is wider than the existing side extension. In my judgement, the scale of the proposed

¹ An original building is defined in the glossary to the Framework as a building as it existed on 1 July 1948.

extension in conjunction with the extensions that have been built would, on balance, result in a disproportionate addition over and above the size of the original building.

10. Reference has been made to an application for a two storey side extension to a dwelling in the Green Belt that was allowed on appeal in a different local authority area in 2018². In that decision, the Inspector found the volume calculations provided by the Council and appellant to be unreliable and so instead relied on his own judgement to decide that the dimensions of the proposed extension meant that it would not be disproportionate.
11. No information though has been provided as to whether the building in that appeal had been previously extended, as is the case in the appeal before me. Moreover, the extension in that appeal is described in the decision as having a far greater setback from the front elevation and a larger set down in height from the roof ridge than is proposed in the case before me. As a result, the two cases are sufficiently different for reference to this other decision to be a consideration of insufficient weight to alter my findings in relation to this issue.
12. For the reasons given above, I therefore conclude that the proposal would therefore constitute inappropriate development, contrary to policy GB1 of the Local Plan. Such definition would, by definition, be harmful to the Green Belt as described in paragraph 152 of the Framework.

Listed building – Appeals A & B

Special interest and significance

13. The Framework identifies at paragraph 195 that heritage assets are an irreplaceable resource. Paragraph 205 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation.
14. In considering whether to grant planning permission affecting a listed building and whether to grant listed building consent, the statutory requirement is that special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
15. Lower Crimsworth Farmhouse (Ref 1226994) is set within a cluster of buildings within the open countryside at the end of Crimsworth Lane. Constructed from large courses of dressed sandstone rubble with mullioned windows and a stone slate roof, this rectangular plan gable ended building with a single storey outshot dates from the end of the sixteenth century.
16. In 1661 a central two storey front porch was added to the building. Its vertical emphasis balances the horizontal emphasis of the building and its fenestration. The architectural features of the building are commensurate with its status as a former yeoman's dwelling. The appellant occupies the southwestern part of the building which consists of a historic section of the building and a two storey side extension that was added in 1974. Whilst the

² APP/W4223/D/18/3193000

1974 extension, which is not set down or back from the historic main part of the building, has disturbed this balance, the original form of the building and its historical interest is still apparent to an observant eye. The fact that the first floor window openings either side of the central porch appear to be missing stone mullions does not alter this assessment.

17. As far as is relevant to the proposed development and works, the special interest and significance of the listed building is due to its simple architectural style, authenticity and its association with the area's agricultural and social past. The form, balance, and largely intact architectural features of the historic part of the building contributes to that significance.

Appeal proposal and its effects on the listed building

18. The proposed two storey side extension would be attached to the side of the existing 1974 addition. The resulting massing effect of the two would further undermine the legibility of the balanced historic parts of the building that form its special interest. This is because, as I have previously noted, the absence of differentiation between the 1974 extension and the historic part of the building gives the impression that the two are contemporary to each other. Adding a further side extension set down and back from the 1974 addition would emphasise the existing building and further the impression that the 1974 extension is contemporary with the historic parts of the building. The proposed addition would therefore further confuse the understanding of this building and unbalance it to the detriment of its historical and architectural interest.
19. The harm that would be caused would not be overcome by the enhancement that would occur by the proposed replacement, secured by condition, of the non-historic first floor windows either side of the entrance porch.
20. Reference has been made to a similar situation where a two storey side extension to a Grade II listed building was granted permission by the Council³. However, in that case, unlike in the appeal before me, there is nothing to suggest that the historic building had already been extended to the side in recent decades. As a result, it is materially different to the proposal before me. Reference therefore to this decision has not altered my findings in relation to this issue.

Setting of nearby listed buildings – Appeals A & B

21. The cluster of buildings at the end of Crimsworth Lane within which Lower Crimsworth Farmhouse is located includes two other Grade II listed buildings, 'Crimsworth Farmhouse and attached barn' and 'Crimsworth Cottage and attached barn'. These buildings respectively date from the late seventeenth century and very early eighteenth century.
22. The proposed extension would not be visible in views of, or from, these two other listed buildings. However, it is clear that the three listed buildings lie within the setting of each other. This is because they form an isolated group of upland agricultural buildings which predominantly date from the early modern Britain period, before the industrial revolution, when the population

³ Application number 20/00572/HSE

and scale of agricultural production was far smaller. As a result, they are spatially and historically related.

23. In my judgement, for the purposes of this appeal, the setting of the nearby listed buildings therefore includes Lower Crimsworth Farmhouse and the open countryside within which this cluster of buildings are located and experienced. The relationship between the listed buildings is readily appreciated from the public footpath which approaches across the open countryside and passes between the buildings on the approach to, or from, the nearby war memorial that overlooks Hebden Bridge in the valley below.
24. The proposed extension in unbalancing the building, and undermining its legibility and authenticity, therefore harms its contribution to the setting of the two other listed buildings. This harm adds to the weight against the proposal.

Public benefits and heritage balance – Appeals A & B

25. The harm that would be caused to the significance of the listed building and the setting of its listed neighbours would be less than substantial. Paragraph 206 of the Framework requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
26. In accordance with the statutory duty, I attach considerable importance and weight to the harm that would be caused by the proposed development and work.
27. The proposed extension would create extra living space that would benefit from more natural light than the rooms of the existing house. This would reduce electricity demand for internal lighting. The larger area of glazing would also provide far better views of the open countryside to the south. However, no substantive evidence has been submitted that demonstrates the existing internal space of the dwelling and levels of natural light within it are substandard. As a result, any improvements in this regard, and the resulting improvement to the housing stock of Calderdale, are public benefits of the scheme to which I attach minimal weight.
28. In the context of the amount of electricity used by a house, the degree to which improved levels of natural light would improve the energy efficiency of the dwelling and the housing stock of the Borough, respectively, would be small and insignificant. In relation to views of the open countryside, although the improvement would enhance the enjoyment of the dwelling by its occupiers, this would be a private rather than a public benefit.
29. Taking all these matters into account, I conclude that the public benefits of the proposals do not outweigh the considerable importance and weight that I attach to the harm that would occur.
30. Accordingly, the proposals would not preserve the special architectural and historical interest of the Grade II listed building, Lower Crimsworth Farmhouse, nor would it preserve the setting of the two listed neighbouring buildings. This would be contrary to the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as

amended). Conflict would also occur with policies BT1 and HE1 of the Calderdale Local Plan and the provisions within the Framework which seek to conserve and enhance the historic environment and good design.

Other considerations – Appeal A

31. I have found that the proposal would be inappropriate development in the Green Belt. As a result, it should not be approved except in very special circumstances. It is therefore necessary to consider the other considerations put forward by the appellant in favour of the appeal, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness and the harm to listed buildings that I have identified.

Increased levels of natural light

32. The proposal would increase the amount of fenestration serving the extended kitchen. This would result in higher levels of natural light within this room which would reduce electricity usage for lighting and improve energy efficiency. However, for the reasons given above in paragraph 27, I attach little weight to this consideration in favour of the appeal.

Improved views

33. The larger windows that would be provided to the extended kitchen would improve the views south westwards of open countryside above the valley below. However, as these views are already good, this is a benefit of the scheme to which I attach limited weight to in favour of the proposal.

Increased living space

34. The increase in living space that would be added to this small three bedroom dwelling by the proposal would result in more pleasant living conditions for its occupiers. I attach moderate weight to this consideration in favour of the proposal.

Conclusions

Appeal A

35. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt and contrary to policy GB1 of the Local Plan. I have also found that the scheme would harm the host listed building and the setting of nearby listed buildings, contrary to policies BT1 and HE1 of the Local Plan. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
36. I find that the other considerations put forward by the appellant fall far short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the development plan and Framework considered as a whole. The appeal should therefore be dismissed.

Appeal B

37. For the reasons given above in relation to the effect of the proposal on the host listed building and the setting of nearby listed buildings, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector