



Appeal Decisions

Site visit made on 15 October 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal A Ref: APP/P1045/W/24/3342136

Hulland Hall, Trough Lane, Hulland Village, Derbyshire DE6 3EP

- 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 David Rose against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01224/FUL.
 - The development proposed is Installation of solar photovoltaic panels to outbuildings.
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Appeal B Ref: APP/P1045/Y/24/3342141

Hulland Hall, Trough Lane, Hulland Village, Derbyshire DE6 3EP

- 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 David Rose against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01225/LBALT.
 - The works proposed are Installation of solar photovoltaic panels to outbuildings.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The description of development and works above is taken from the Council's decision notice. The Council advised the appellant of the minor change to the description to add "photovoltaic". On the appeal forms the appellant indicates that the description has been changed and proceeds to use the Council's version, thus agreeing to it.
4. The proposed solar photovoltaic panels (hereafter 'solar panels') would be installed on the roofs of two outbuildings, referred to as an 'implement store' and a 'stable block' (hereafter referred to as the 'newer stable building') which are located to the rear of the Grade II listed Hulland Hall¹.
5. There is general agreement between the parties that, by virtue of section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the implement store should be 'treated as part of the [listed] building', namely Hulland Hall. However, the appellant contends the newer

¹ National Heritage List for England: list entry number 1335204

stable building is not curtilage listed as it was built much later² and dates from after July 1948, it does not fall to be considered in this way.

6. Nonetheless, the newer stable building is sited adjacent to Hulland Hall and, along with the implement shed, is located in proximity to other Grade II listed buildings, known as Hulland Hall North Stable Block³ (the North Stable Block) and Hulland Hall West Stable Block⁴ (the West Stable Block).
7. I have determined the appeals on the basis of the above, having regard to the statutory duties set out in Sections 16(2) and 66(1) of the Act. These require me to have special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess.
8. The appeal site is also located within the Hulland Conservation Area (the HCA). The proposal's effects on the character and appearance of the HCA did not form part of the Council's reasons for refusal. Nonetheless, as decision-maker I have a statutory duty under Section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. As both parties have addressed this matter in their evidence I am satisfied that neither party would be prejudiced by my considering it in the determination of the appeals.
9. The Council has not submitted a separate delegated report for the listed building application (for Appeal B) but has submitted a joint appeal statement. The appellant's Planning and Heritage Statement deals with both applications, whereas their Statement of Case refers only to the appeal against the planning application (Appeal A). As the two appeals concern the same scheme under different, complementary legislation I have dealt with both appeals together in my reasoning to avoid unnecessary duplication.

Main Issues

10. In light of the above, the main issues in these appeals are whether the proposal would i) preserve the Grade II listed building Hulland Hall, or its setting or any features of special architectural or historic interest which it possesses; ii) preserve the setting of the Grade II listed North Stable Block and West Stable Block; and iii) preserve or enhance the character or appearance of the HCA.

Reasons

Special interest and significance of the heritage assets

11. The appeal site is located within the grounds of the Grade II listed Hulland Hall and its courtyard of outbuildings. It is a two and a half storey brick dwelling with plain tile roofs and brick gables and stacks. The south front dates from 1777 and the north block is mid-18th century, with other additions and alterations dating from the mid-19th century through to the 20th and 21st centuries. The Hall's special interest and significance are largely derived from its architectural and historic interests in illustrating a higher status dwelling

² LPA refs: 00/04/0246 & 00/04/0247 granted 6 June 2000 for Replacement stable block and extension to dwelling (glazed link and swimming pool and gatehouse building).

³ National Heritage List for England: list entry number 1138323

⁴ National Heritage List for England: list entry number 1109439

with associated outbuildings in a rural village. The building's age, surviving historic fabric and legibility of its phased development make important contributions in these regards.

12. As part of this and relevant to the appeals, significance is also drawn from the associated brick and tile implement store. Whilst modest in its size and design, the structure's historic and functional relationship with the Hall means that it positively contributes to the Hall's heritage interests as well as the group value of the wider building complex. Additionally, and also relevant to the appeals, the Hall's significance also stems in part from its setting. Its immediate setting, including its formal garden and extensive semi-circular lawn and rear courtyard, which incorporates the appeal buildings, allows the Hall to be experienced in an authentic way and adds considerably to its heritage merit. Additionally, the fields and countryside that extend beyond the Hall's immediate surroundings of the formal gardens and lawn provide a wider setting in which to appreciate the Hall in its rural context.
13. To the north west and rear of the main house there is a walled gated courtyard of outbuildings. The North Stable Block is the largest and most decorative of the courtyard buildings, and dates from the late 18th/early 19th century. The West Stable Block, dating from about the early 19th century, is of similar brick and tile construction but is simpler in form and design and is listed for group value only. The special interest and significance of the stable Blocks is derived in part from their architectural and historic interests and as part of a complex of outbuildings that serve Hulland Hall. The Stable Blocks are broadly contemporaneous with each other and the Hall, and to a lesser degree the implement store, and have group value as part of the complex of outbuildings.
14. Pertinent to the appeals, the significance of the listed Stable Blocks is also drawn in part from their settings. Their immediate settings, including the courtyard complex that incorporates the appeal buildings, along with the adjacent public route of Trough Lane, allows the assets to be experienced and their heritage value appreciated, thus contributing to their significance.
15. The newer stable building is not a designated heritage asset and, of itself, holds no heritage merit. Nonetheless, its strong linear arrangement with an uninterrupted roofscape, modest design and brick and tile construction echo the adjoining implement store, and other associated outbuildings within the courtyard. Together, the implement store and newer stable building read as an integral part of the courtyard complex. They are readily appreciated from within the courtyard but are also highly visible when viewed from the Hall's formal gardens and lawn, providing a backdrop and context to the Hall. In this respect the newer stable building is a positive element within the settings of the Hall and the adjacent listed Stable Blocks.
16. The appeal site also lies in the small rural village of Hulland and within the HCA. The village is largely linear with properties either side of Trough Lane displaying a mix of designs, styles and ages. However, the extent of the HCA is small compared to the village and is limited to 11 properties and land mainly along Trough Lane, the Green in the centre and open land on the north of the A517. Of the 11 buildings in the HCA, 6 are listed and half of those comprise buildings within the grounds of Hulland all as already described.

17. Based on the evidence before me and my own observations on my visit, the special interest and significance of the HCA relevant to the appeals largely stem from the architectural richness of its historic buildings and associated buildings and spaces, all set within an expansive pastoral landscape. By virtue of their historic and architectural integrity and/or their contribution to the group, the listed and unlisted buildings, which form the complex of Hulland Hall, add considerably to the area's historic and aesthetic charm. In doing so, it positively contributes to the character and appearance of the HCA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

18. The proposal would involve the installation of solar panels⁵ to the south facing courtyard roof slopes of both the implement store and the unlisted newer stable building. The panels would cover almost the entire length of each roof slope and most of the roof slope from eaves to ridge. In line with Historic England's Advice Note No.18⁶ the panels would be laid in a straight line thus avoiding irregular or stepped panel layouts, apart from the small area of cut-out around the base of the faux bell-cote. The submitted specification states the installation would be an "all black module design". The appellant advises that the panels would be a matte black finish to help reduce reflection and be a better colour match with the dark grey roof tiles. However, the submitted specification makes no reference to a specific matte finish – only black.
19. The appellant advises there would be no harm to the fabric of the building, but there are no details or sections to show how the panels would be fixed to the roof slope and how many fixing rails would be needed. The submitted specification describes the frame would be 'anodized aluminium alloy' but it is unclear if they would/could be painted black to reduce visual intrusion, as the rails would be visible at the ends of the linear arrays. Whilst the panels themselves might be thin, the plans show that when fixed to the roof there would be a 95mm upstand. This would create a break in the surface of the roof and the panels would not be flush with it. Furthermore, the texture of the panels would differ from the natural material of the clay roof tiles.
20. Taking these factors into account, I find the panels would disrupt the visual continuity of the uninterrupted sweep of tiled roofscape of both the implement store and the newer stable building in the courtyard. This would diminish the positive contribution that the implement store, as a curtilage listed building, makes to the Hall's special interest and significance.
21. From the formal gardens and lawn, the roofscape of the outbuildings, which form a significant backdrop to the Hall, would be harmfully changed and would differ from the roofscape on the listed Stable Blocks viewed to the other side of the Hall. This would reduce the authenticity of how the Hall is experienced and in doing so would not preserve the immediate setting of the Hall. The white frame of the covered walkway to the swimming pool is visually prominent. However, this does not form part of the backdrop of outbuildings. Additionally, the proposal would also detract from the listed Stable Blocks, as it would alter how they are experienced and affect the ability to appreciate their significance within the group of outbuildings. As such their setting would not be preserved.

⁵ Specification submitted with appeal for the Longi Hi-MO5m:LR5-54HIB 390~410M

⁶ Historic England Advice Note 18: Adapting Historic Building for Energy and Carbon Efficiency – dated July 2024

22. I also walked the public right of way to the west and south of the site. There would be only views when walking the path northwards across the field. However, views of the Hall are largely obscured by existing vegetation and the separation distance is such that the outbuildings are hardly visible, even when the leaves fall. I am satisfied that the proposal would preserve the wider settings of Hulland Hall and the listed Stable Blocks. That said, the lack of harm in this regard is neutral and does not weigh in favour of the appeals.
23. In terms of the HCA, there would be no views of the solar panels from the road or other vantage points within the HCA. However, Hulland Hall and the two Stable Blocks form half of the listed buildings in the HCA. Together with the two appeal buildings they form an integral and important element of the character and appearance of the HCA. It follows that the harmful effects I have identified to the heritage interests of the listed buildings would diminish the contribution they make to the HCA and would not preserve the character and appearance of the HCA, and would result in some residual harm to the asset's significance.
24. Drawing the above together, I find the propose solar panels would not preserve Hulland Hall, or its setting or any features of special architectural or historic interest which it possesses. Nor would it preserve the settings of the North Stable Block or the West Stable Block. Nor would it preserve the character and appearance of the HCA. As such the significance of these designated heritage assets would be harmed.

Public benefits and heritage balance

25. The National Planning Policy Framework (the Framework) states at paragraph 195 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
26. With reference to Framework paragraphs 207 and 208, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this case, given the nature and extent of the proposed development and works, I find the harm to the significance of the listed buildings and the HCA would be individually and cumulatively 'less than substantial'. Nonetheless, this harm carries considerable importance and weight. Under such circumstances, paragraph 208 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
27. There would be some public benefits arising from the manufacture and installation of the solar panels, but this would be limited in extent and duration.
28. The appellant states that Hulland Hall is not very energy efficient and requires large amounts of energy to heat, and that the money saved from generating their own energy would help maintain the listed and unlisted buildings at Hulland Hall.
29. The small-scale scheme to install solar panels to generate renewable and low carbon energy and reducing the use of coal fires and wood burners as well as

gas central heating in the property would reduce the impact on the wider environment and be of a wider public benefit.

30. It is generally acknowledged that historic buildings change and evolve over time. Public benefits can include works to a designated heritage asset to help secure its future, which the appellant says the saved money would help do. The appellant has lived in the property for over 30 years, and it is clear they have cared for the site and buildings, as they looked to be in generally good condition from my site observations. Heritage public benefits would accrue from the continued maintenance of the listed buildings, which would assist their conservation in a manner appropriate to their significance.
31. However, using renewable sources of energy alone does not necessarily save money if the property remains energy inefficient for other reasons. Whilst I have no reason to doubt that any money saved would be used in the maintenance of the property, the proposal does not include any mechanism to secure this. Furthermore, it has not been satisfactorily demonstrated that the proposal is required to secure the assets' optimum viable use or that the heritage assets would be at risk should the appeals fail. Even if I accepted that this was the case, there is no substantive evidence before me which shows that in realising the asset's optimum viable use, the identified harm has been minimised. In all of these respects, clear and convincing justification for the harm to the assets' significance has not been provided.
32. The Framework states that significant weight should be given to the support of energy efficiency and low carbon improvements to existing buildings, but where proposals affect listed buildings or conservation areas. However, Framework policies for the historic environment need to be applied, as do statutory duties for listed buildings and conservation areas. The Council has declared a Climate Emergency and its Climate Change SPD⁷ provides guidance to meet its key objectives. This includes using less energy, increasing energy efficiency and promoting use of renewable energy.
33. The public benefits identified above do weigh in favour of the appeals, and Historic England's Advice Note No.18 adds weight to this. However, on balance the weight I ascribe to them in this instance is not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the significance of the listed buildings and the HCA.
34. Accordingly, the proposed solar panels would fail to preserve Hulland Hall, its setting or any features of special architectural or historic interest it possesses. They would fail to preserve the settings of the North Stable Block and West Stable Block. The proposal would also fail to preserve or enhance the character and appearance of the HCA as a whole. The proposal would thus fail to satisfy the requirements of the Act and the relevant provisions of the Framework.
35. The proposal would also conflict with Policies PD1, PD2, PD7 and S4 of the Derbyshire Dales Local Plan. Collectively these seek, amongst other things, to ensure that development positively respects the character and context of the area, and positively contributes to the character of the built and historic environment. The generation of energy from renewable or low-carbon sources

⁷ Derbyshire Dales District Council 'Climate Change' Supplementary Planning Document adopted July 2021

is supported where it would not have a significant adverse impact on heritage assets.

Other Matters

36. The appellant refers to a number of appeals⁸ allowed for photovoltaic panels on listed buildings. These decisions were made over 9 years ago and relate to sites in Bristol and Suffolk. The appeals deal with buildings of a different nature and context and therefore are not directly comparable to the appeals before me nor do they set a precedent. Whilst they show that in certain instances photovoltaic panels can be acceptable, all decisions turn on their own particular circumstances based on the facts and evidence before those Inspectors at the time. The appellant also draws my attention to an application at Biggin Hall⁹ for a proposed new extension, solar roof tiles and ground source heat pumps relating to the Grade II Listed Hall. The alterations, that apparently directly affected the listed building, were approved by Derbyshire Dales Planning Committee after initially being recommended for refusal by the Planning Officer. However, I do not have the full details, facts or the circumstances that led to the Planning Committee to overturn the Officer recommendation and allow the application. In any event I must consider the proposals and appeals on their own merits.

Conclusion

37. **Appeal A:** The proposal would conflict with the development plan when taken as a whole and there are no material considerations that outweigh this conflict. Therefore, for the reasons above I conclude that Appeal A should be dismissed.
38. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

K Stephens
INSPECTOR

⁸ APP/D0121/Y/15/3003805 dated 16 June 2015 and APP/W3520/Y/15/3049324 dated 13 October 2015

⁹ Local Planning Authority ref: 23/00336/FUL/23/00337/LBALT