



Appeal Decision

Site visit made on 10 December 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/A4710/D/24/3344412

Marsh Hall Barn, Lands Head Lane, Northowram HX3 7SR

- 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 and Mrs Mark and Emma Williams against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00030/HSE.
 - The development proposed is described as 'Entrance Porch'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised version of the National Planning Policy Framework (the Framework). As the proposed changes do not affect the main issues of this appeal, I have not sought the views of the main parties in coming to my decision.
3. The appeal before me relates to the refusal of planning permission. The appeal property is located within the curtilage of Marsh Hall, a Grade II* listed building¹ and therefore the Council advises it would also require listed building consent. For the avoidance of doubt, there was no appeal of this type before me, only the appeal against the refusal of planning permission.

Main Issue

4. The main issue is whether the proposal would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

5. The appeal property is a former barn which was associated with the adjacent Grade II* listed building, Marsh Hall. I understand there is a somewhat complex planning history at the site, which has included the granting of listed building consent² to convert the barn to a single dwelling; the refusal of listed building consent³ and planning permission⁴ to convert the barn to two

¹ List Entry Number: 1203782

² 04/02452/LBC

³ 11/00285/LBC

⁴ 11/00284/FUL

dwelling; and the approval of listed building consent⁵ and planning permission⁶ for the conversion of the barn to two dwellings. There were also evidently instances of unauthorised works which were the subject of enforcement action. At present, the barn is formed of two dwellings and the northern elevation has been largely adapted partly through unauthorised works.

6. I have therefore had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. Marsh Hall evidently dates from around 1626 and is described as a traditional building formed of stone with a range of mullioned and transomed windows, arched and moulded doorways and a central lean-to at the rear. Due to the extensive renovation works which have taken place at the property, some of these features have been altered or removed, although the building does retain some of these original features.
8. There is little before me to establish the special interest and significance of the listed building. From my own observations, this is predominantly derived from historic and architectural interest, including the building's age, its symmetrical form, surviving historic fabric, its vernacular materials and the contribution it makes to understanding of the development of the area.
9. The barn in turn shares a functional and historic relationship with the Hall. It was likely built in a similar time period to the Hall, and its significance includes its age and association with the agricultural heritage of the area. There is also architectural interest derived from its simple form, surviving historic fabric and traditional construction. The rural locale and group value attributed to the cluster of farm buildings therefore means the setting of the barn makes a substantial contribution to its significance.

Effects of the Proposal

10. The proposal would see the erection of a porch to the northern elevation on the opposite side of the existing extension. It would be formed of an oak frame with reclaimed stone and slates on a pitched roof with decorative stone finials. A canopy would project past the main body of the porch.
11. The proposed porch would not project out as far as the existing extension, while its ridge would fall below that of its counterpart on that elevation, although the eaves would be of similar height. However, it was apparent on the site visit that the existing extension is of considerable scale. While smaller, the porch would still constitute a large and bulky addition to the host building. The barn has retained much of its agrarian heritage over time, although the north elevation has changed. The erection of the porch would partially erode this agricultural character further, harmfully altering the simple form of the building with another projection of overtly domestic character and complicating this section of the building. Although the materials would match

⁵ 14/00549/LBC

⁶ 14/00547/FUL

the existing building, these changes would harmfully impact on the pleasing simple form and character of the building, harming the host structure and thereby the setting of the listed Hall.

12. The appellant argues that the significance of the listed building and the contribution of the barn have already been eroded through some of the unauthorised changes outlined in their appeal statement. However, the statement does not establish the significance of the listed building or the contribution the barn makes to this, so it is unclear as to how this conclusion has been reached. Regardless, any perceived harm through previous development, authorised or not, does not justify allowing more harm on this basis. To my mind, this places even more of an emphasis on preserving what does remain of the significance and special interest of the buildings.
13. I understand that the Hall has had permission granted for a detached garage⁷ and a freestanding orangery⁸ to the rear. I have been provided with the plans for the garage, although this looks to be some distance from the rear of the property. I do not have the plans for the orangery, although part of this was visible on the site visit. While these are also domestic developments, this would fit with the history of the Hall as a residence rather than the barn, which has only relatively recently changed to residential use. In any event, neither convinces me the proposal before me is acceptable.
14. In light of the above, I conclude that the proposal would not preserve the setting of the Grade II* listed building. As such, it would not meet the requirements of section 66(1) of the Act and would harm the significance of the listed building as result.
15. The proposal would also be contrary to policy HE1 of the Calderdale Local Plan 2018/19 – 2032/33 Written Statement (LP) (adopted March 2023). This states that development proposals should conserve, and where appropriate, enhance, the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale, including its historic farmsteads and barns.

Heritage Balance

16. As per paragraph 212 of the Framework, 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 (and the more important the asset, the greater the weight should be). This is particularly important in the context of the Hall given its Grade II* listed status.
17. As per the approach espoused in paragraph 215 of the Framework, in my judgement, given the nature and extent of the proposal it would amount to 'less than substantial' harm to the significance of this designated heritage asset. This harm is of considerable importance and weight and should be weighed against the public benefits of proposals including, where appropriate, securing its optimum viable use.
18. There are no public benefits before me, although there may be some minor financial benefits through the construction of the porch. However, given the scale of the project this would be very limited. As such, in the absence of

⁷ 13/01423/FUL

⁸ 21/00627/HSE

sufficient public benefits that would outweigh the harm identified, I conclude that the proposal would fail to preserve the listed building.

Conclusion

19. I have found that the proposed development would fail to preserve the listed building, putting it in conflict with the requirements of the Act, Framework and the development plan as a whole. The benefits are not sufficient to outweigh that conflict. Accordingly, for the reasons given, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR