



Appeal Decision

Site visit made on 28 January 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2025

Appeal Ref: APP/A4710/W/24/3354628

**Butterworth End Farm, Butterworth End Lane, Norland, Sowerby Bridge,
Calderdale HX6 3SD**

- 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 R Holroyd against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00115/FUL.
 - The development proposed is Conversion of barn to dwelling (amended scheme to 23/00601/FUL)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area including the setting of nearby Grade II Listed Buildings 'Butterworth End Farmhouse and Butterworth End Cottage' and 'Barn approximately 5 metres to west of Butterworth End Farmhouse';
 - Whether adequate arrangements would be made for the drainage of foul and surface water from the site; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site is an agricultural outbuilding located within a field associated with Butterworth End Farm. The building is located near to the main farmhouse and is within the Green Belt.
4. The building is constructed from stone forming the front gable end, concrete panels which form the side walls and an asbestos roof. The building is simple in design with an agricultural character, compared to the historic farmhouse and

some other buildings on site. The building is located at a higher level than the farmhouse in a prominent position on a slope and is accessed from within the field.

5. The proposed development is the conversion of the building to a separate 3 bedroom dwellinghouse. The vehicular access and parking would be shared with the existing farmhouse, and a garden area would surround the building.

Inappropriate development in the Green Belt

6. The building is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out exceptions whereby development would not be inappropriate.
7. The proposal would be for a conversion, and not a replacement building as the main structure of the building would remain, notwithstanding the replacement wall and roof materials. Hence paragraph 154 d) would not be relevant.
8. The exception in paragraph 154 h) iv of the Framework and paragraph II.d. of Policy GB1 of the Calderdale Local Plan (CLP), which both use the same wording, state that the re-use of buildings provided that the buildings are of permanent and substantial construction, would not be inappropriate development. This is provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The Council states that the building is not capable of conversion and the appellant states that, for the building to be converted, the walls and roof of the structure would need to be replaced. Accordingly, while it could not simply be converted in its current state of repair, paragraph 154 h) iv does not explicitly state that a building needs to be capable of conversion, but only of permanent and substantial construction.
10. The building is fixed to the concrete floor slab and has been in situ since the 1950s, in an exposed geographical location, as described in the structural survey¹. The building has concrete walls cast into the concrete slab with a full roof and gable end stone wall of substantial thickness. The window and door openings on the gable end have stone sills and lintels. Therefore, due to its longevity and construction I consider the building to be permanent for the purposes of paragraph 154 h) iv of the Framework.
11. Having regard to whether the building is substantial, no definition is set out in the Framework. In the true meaning of the word I have assessed this in terms of; the size of the building which is around 12m deep, around 4.5m wide and considerable height which based on the plans is capable of accommodating a bedroom in the roofspace; the construction of the building, being mainly from concrete and stone with the asbestos roof, and predominantly timber frame; and its prominent visibility in the landscape, from the farmstead and from more distant views. Taking these matters together I find that the building is substantial.

¹ Limited Structural Report project no. 2023/317 dated 9th November 2023

12. Therefore, notwithstanding the condition of the building and capability of conversion in its current state, I find that for the purposes of paragraph 154 h) iv of the Framework, the building is of permanent and substantial construction.

Openness and purposes of the Green Belt

13. In order for the proposal not to be inappropriate development in the Green Belt, it must preserve openness and not conflict with the purposes for including land within the Green Belt, in accordance with paragraph 154 h) iv of the Framework.
14. The proposed conversion would effectively replace the walls and roof of the building and strengthen the existing structure. However, the building would retain its original form and location. Therefore, the conversion of the building itself would not have a greater impact on the openness of the Green Belt than the existing building.
15. The proposed curtilage has been tightly drawn around the building, making use of existing boundary walls and features. In addition, proposed parking would be shared with the existing farmhouse and would not introduce an additional driveway or parking area. The existing use of the building would likely see occasional external storage of agricultural paraphernalia. Therefore, the storage of domestic paraphernalia would not likely be greater than existing due to the restricted size of the curtilage. Therefore, for these reasons, I do not find that the proposal would have an impact on openness over and above the existing situation.
16. The Green Belt serves five purposes which are set out at paragraph 143 of the Framework. Due to the remote rural location of the building, I do not find paragraphs a, b, d or e, to be directly applicable to this case. However, having regard to paragraph c), due to the curtilage of the proposed dwelling utilising existing boundary walls and the building proposed to be effectively the same size as the existing, the proposal would assist in safeguarding the countryside from encroachment and therefore would not conflict with the purposes for including land within the Green Belt.
17. Therefore, for the reasons mentioned, the proposed development would not constitute inappropriate development within the Green Belt and would meet exception 154 h) iv of the Framework. The proposal would also accord with policy GB1 of the Calderdale Local Plan (2023) (CLP) which states that other forms of development are acceptable within the Green Belt provided they maintain openness and do not conflict with the purposes for including land within the Green Belt. Including the re-use of buildings provided that the buildings are of permanent and substantial construction.
18. As I have found no harm by reason of inappropriateness it is not necessary for me to consider whether other considerations amount to very special circumstances.

Character and appearance

19. A Grade II Listed Building, 'Butterworth End House and Butterworth End Cottage' is located immediately to the northwest of the appeal site, and access to the appeal site is shown to be through the grounds of the listed building. The statutory list description² identifies the building as a farmhouse, part of which is now a separate cottage/outbuilding. The building is mid-17th century with

² List entry number 1134557

later 17th century wing and late 17th century/early 18th century porch. The building was divided into several cottages in the mid-19th century. Its significance is derived from its age, construction and external architectural detailing, particularly of mullion windows and chamfered quoined doorways, and internal architectural detailing which includes an inscription over the fireplace from 1690. The building has historic significance and is included in text 'The Ancient Halls of Norland', Halifax Antiquarian Society, Vol 2 (1904).

20. The building subject of the appeal is located within several metres of the listed building, adjacent to the garden wall boundary and is within its immediate setting. The arrangement of buildings and their functions creates a clear hierarchy on the farmstead. The building subject of the appeal, although built many years after the main farmhouse, is clearly subservient to it in terms of hierarchy due to its agricultural use and simple form. To convert this building into a dwelling with the alterations to the building required, including new materials, insertion of windows and doors and other domestic features, would elevate the status of the building from a simple agrarian barn. It would disrupt the hierarchy of the buildings and would compete with and dilute the significance of the heritage asset as the historic hub of the farmstead. This would be particularly apparent when viewed from the access to the site and from views from the east looking down the hillslope.
21. Therefore, the proposed development would be harmful to the significance of the heritage asset in so far as it derives from its setting.
22. Grade II Listed Building 'Barn approximately 5 metres to west of Butterworth End Farmhouse', is located further from the proposed barn conversion with Butterworth End Farmhouse and Butterworth End Cottage located in between. The statutory list description³ identifies the building as a mid-19th century barn, constructed from coursed squared stone and slate roof with three bays. It derives its significance from its age and architectural detail such as the central basket-arched cart-entry with venetian window, and its contribution to the value of the group of buildings as a prominent historic agricultural building. Although the appeal proposal is not adjacent to it, due to the position of this listed building within the group of buildings, the proposed works to convert the building subject of the appeal by domesticating it, would dilute the contribution the listed building makes to the wider group.
23. This would affect how the buildings relate to each other as a group, particularly the listed building and its relationship with the Butterworth End Farmhouse and Butterworth End Cottage.
24. The proposed development would use an appropriate material palette, have limited openings, would retain its original shape and would appear as a former agricultural building in isolation. However, whilst the conversion of agricultural buildings in rural areas such as this is not uncommon, the domestication of the building and alteration to its character and appearance in this particular context would cause harm to the setting of the listed buildings.
25. Failure to preserve the setting of listed buildings runs contrary to the statutory provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 212 of the Framework states that great weight should be given to the asset's conservation, and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial

³ List entry number 1300457

harm. In this case I find that the proposal would lead to less than substantial harm to the significance of a designated heritage asset.

26. For the reasons mentioned, the proposal would cause harm to the character and appearance of the area, having specific regard to the setting of the listed buildings and would fail to satisfy the requirements of policy HE1 of the CLP which requires development proposals to conserve the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale, including historic farmsteads and barns.
27. In accordance with paragraph 215 of the Framework, the harm should be weighed against the public benefits of the proposal. I turn to this in my overall planning balance.

Foul and surface water drainage

28. The appeal site is located on a hill slope. Due to the site's gradient and the presence of a culvert, a greater level of detail would be required to ascertain whether drainage could be achieved without causing adverse effects. Accordingly, it would not be reasonable in these circumstances to use planning conditions to secure details of the means of drainage for both foul and surface water.
29. I note that the appellant has attempted to discuss the scheme with drainage advisors at the Council and has been unsuccessful. However, based on the information provided, it cannot be guaranteed that the proposal would not contribute to slope instability nor cause pollution to flow into the nearby culvert.
30. For the reasons mentioned, adequate arrangements have not been made for the drainage of foul and surface water at the site, therefore the proposed development would not accord with policy CC3 of the CLP which requires priority to be given to protecting and enhancing ground and surface water features and preventing aquatic pollution, and ensuring new development has sufficient foul and surface water drainage.

Other Considerations

31. I have consulted the main parties on the revised National Planning Policy Framework December 2024 (the Framework). The appellant has provided a brief comment stating that they do not believe the land to be 'grey belt'. The Council has been given the opportunity to comment, however I have not received comments from the Council. I have not considered this matter any further due to my conclusions relating to the Green Belt.
32. The appellant has confirmed that a water supply to the proposed dwellinghouse would be using the existing supply to the farmstead, which was provided in 2011, and I have no reason to doubt that this is the case. Notwithstanding the mention of water supply in the reason for refusal, it does not appear to be substantiated further in the Council's evidence. Therefore, I am satisfied that a water supply by some means could be provided to the property, given the proximity to other buildings on the farmstead.

Heritage and Planning Balance

33. The proposal would not be inappropriate development in the Green Belt, the proposal would not cause harm to the openness of the Green Belt and would not conflict with the purposes for including land within the Green Belt according with CLP policy GB1.
34. However, during my assessment of the case I have found less than substantial harm to the setting of the listed buildings, and in accordance with paragraph 215 of the Framework the harm should be weighed against the public benefits of the proposal.
35. A public benefit put forward is that the proposal to change the use of the building to a dwellinghouse would improve its appearance as it is in a poor state of repair, and the proposal will secure its long-term maintenance. The proposed works to the building would tidy it up and would secure its long-term future. However, due to the changes in character which would have a consequential negative effect on the listed buildings, this benefit only attracts limited weight.
36. An additional public benefit would be the provision of a three-bedroom dwellinghouse. I have not been provided with Council's housing figures by the parties, however, in correspondence relating to changes to the Framework the appellant stated that the Council do not have a shortfall of housing. Therefore, whilst this dwelling would make a contribution to maintaining a housing land supply, this would only be a small contribution of one dwelling. Therefore, this attracts only limited weight.
37. A further public benefit would be the proposed species enhancement, through the provision of a bat box and swift nesting box. Whilst this would be an ecological benefit, this attracts only limited weight due to the modest scale of the scheme.
38. Taken together the public benefits would be limited and would not outweigh the harm identified to the setting of the listed buildings. The proposed development would fail to preserve the special historic interest of the Grade II listed buildings by causing less than substantial harm to their setting and the public benefits put forward would not outweigh this harm. This is a matter to which I attach considerable importance and weight in the overall planning balance.
39. In addition, the proposal fails to demonstrate that it would not cause slope instability and pollution of the nearby culvert. This harm may be able to be overcome by a suitably detailed drainage scheme, however in the absence of those details, it has not been demonstrated sufficiently that foul and surface water could be removed from the site as to not cause adverse effects on the slope or culvert. This weighs significantly against the proposal.
40. The proposal does not accord with CLP policies HE1 and CC3. There would be harm to the character and appearance of the area with specific regard to the setting of the listed buildings and the proposal would not make adequate arrangements for the drainage of foul and surface water from the site. Therefore, the benefits of granting planning permission would not outweigh the harm identified.

Conclusion

41. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR