



Appeal Decisions

Site visit made on 20 August 2025

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal A Ref: APP/F0935/D/24/3354179

Green Farm, The Green, Wetheral, Cumbria CA4 8ET

- 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 Hargreave against the decision of Cumberland Council.
 - The application Ref is 24/0016.
 - The development proposed is summerhouse and conservatory.
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Appeal B Ref: APP/F0935/Y/24/3354167

Green Farm, The Green, Wetheral, Cumbria CA4 8ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Hargreave against the decision of Cumberland Council.
 - The application Ref is 23/0828.
 - The works proposed are described as 'Replacement of PVCu windows and doors to reinstate wooden windows and doors, removal of existing cement pointing on the rear elevation to replace with lime mortar, retention of the existing timber summer house, and retention of the existing PVCu conservatory'.
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Decisions

1. **Appeal A Ref: APP/F0935/D/24/3354179:** The appeal is dismissed insofar as it relates to the conservatory and allowed insofar as it relates to the summerhouse and planning permission is granted for the summerhouse at Green Farm, The Green, Wetheral, Cumbria CA4 8ET in accordance with the terms of the application Ref 24/0016, and the plans submitted with it so far as is relevant to that part of the development hereby permitted and subject to the condition in Annex A at the end of this decision.
2. **Appeal B Ref: APP/F0935/Y/24/3354167:** The appeal is dismissed insofar as it relates to the conservatory and allowed insofar as it relates to the replacement of uPVC windows and doors to reinstate wooden windows and doors, removal of existing cement pointing on the rear elevation to replace with lime mortar, retention of the existing timber summer house and listed building consent is granted at Green Farm, The Green, Wetheral, Cumbria CA4 8ET in accordance with the terms of the application Ref 23/0828, and the plans submitted with it so far as is relevant to that part of the works hereby consented and subject to the conditions in Annex A at the end of this decision.

Applications for costs

3. An application for costs was made by Mr Hargreave against Cumberland Council. That application is the subject of a separate Decision.

Preliminary Matters

4. The appeals concern the same site. Although the remit of planning permission (Appeal A) and listed building consent (Appeal B) regimes are different, to reduce repetition, I have dealt with both appeals together in a single decision letter.
5. For Appeal A I have taken the description of development from the application form, omitting wording that is not an act of development.
6. Planning Practice Guidance¹ (PPG) advises that, where the acceptable and unacceptable parts of a proposal are clearly distinguishable, the Local Planning Authority have the ability to impose conditions to limit the grant of planning permission and listed building consent to only part of the development proposed (a split decision). The Council issued split decisions for both appeals. For Appeal A, planning permission was granted for the summer house but refused for the conservatory. For Appeal B, conditions were imposed in relation to the approval of the replacement of uPVC windows and doors with wooden windows and doors; the removal of existing cement pointing on the rear elevation and replacement with lime mortar; and to the summer house; and Listed Building Consent was refused for the conservatory. It is clear that the Council's concern in both appeals is therefore in relation to the conservatory.
7. In a similar way, section 79(1)(b) of the Town and Country Planning Act 1990 (as amended) (the Act) allows that, on appeal under section 78 of the Act, the Secretary of State "may deal with the application as if it had been made to him in the first instance". Similar rights exist under section 22 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (the LBCA Act) in relation to listed building appeals. Therefore, I am considering the whole development and works in both the appeals afresh.
8. Although the summerhouse and conservatory were erected several years ago, the submitted plans for both appeals also include alterations to windows, doors and external mortar, which have not been implemented. The appeal decisions should flow from the submitted plans rather than what has been carried out². Therefore, and for the avoidance of doubt, I have considered the whole development and works for both appeals as a proposed scheme against the plans provided.
9. In relation to Appeal B, the Council's delegated report and decision notice refers to the requirements of section 66(1) of the LBCA Act. However, section 66(1) of the LBCA Act concerns 'whether to grant planning permission for development which affects a listed building or its setting.' While this is relevant to the application for planning permission in relation to Appeal A, since Appeal B concerns 'whether to grant listed building consent for any works', this proposal requires to be assessed against section 16(2) of the LBCA Act. I have therefore determined Appeal B on this basis. Both sections 16(2) and 66(1) of the LBCA Act require special regard to be had to the 'desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' As both parties have addressed this matter within their respective evidence, I consider that their interests have not been prejudiced by my approach.

¹ Paragraph: 013 Reference ID: 21a-013-20140306

² Under Article 7(1)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 no plans are necessary to determine retrospective applications/appeals. But if plans have been submitted that show the development they should be taken into account.

10. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and updated in February 2025, after the appeals were submitted. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue in these appeals are largely unchanged, other than paragraph numbering. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the main parties, and that no party would be disadvantaged by determining the appeals accordingly.

Main Issue

11. The main issue in both appeals is whether the proposed development and works would preserve Green Farm, a Grade II listed building, or any features of special architectural or historic interest that it possesses

Reasons

Special interest and significance

12. Located facing The Green in Wetheral Conservation Area, the list entry³ describes Green Farm as late 18th Century with rendered walls with pilaster strips at angles, a graduated roof, 2 storeys and 3 bays. It features a roughly central bay with a 6-pannelled door with a keyed, round arch over a patterned fanlight and 6-over-6 pane sash windows on the building's central bay of the front elevation. To the east side is a two-storey wing that includes a mono-pitch single storey rear extension that extends across a small part of the rear elevation of Green Farm. Although the wing is attached to Green Farm, it forms part of the neighbouring detached property, Albyfield. To the west side, there is also a two-storey wing with uPVC windows and two chimney stacks. Attached to this is a single storey flat roof extension with a garage door to the front elevation that evidence suggests was constructed in the late 20th Century⁴.
13. The rear elevation of Green Farm is unrendered which provides an appreciation and understanding of the building's historical association with the adjacent former farm buildings, which are also built in sandstone. Even if there have been alterations to this elevation, including a single storey extension to the side, these have not significantly weakened the building's special interest or architectural merit. The building's traditional aesthetic and historic form is clearly legible, positively contributing to the significance of the building as a whole.
14. It appears from the evidence that Green Farm was historically a farmhouse with a functional relationship with the surrounding agricultural land. The property is now a dwelling with a long rear garden and the previous sandstone farm buildings to the east have now been converted to residential accommodation. The list entry advises that these buildings are excluded from the listing. From the evidence, and insofar as pertinent to the appeals, I find the special interest and significance to mostly stem from its local historic interest as a fine example of Cumbrian 19th Century modest domestic architecture, to which its surviving historic fabric, traditional materials, simple architectural composition, and legibility of its plan form all contribute.

³ National Heritage List for England List Entry number: 1335513

⁴ LPA Refs: 80/0827 and 94/0399

15. Significance is also derived, in part, from its surroundings. This includes the asset's close relationship with the adjacent sandstone buildings, reminiscent of its former use as well as its central position within the verdant surroundings of the village.

Proposal and effects

16. The proposal comprises of several elements. The conservatory would be at the rear of the building and constructed of uPVC with a sandstone plinth. It would clearly be read as a contemporary addition that would extend over part of the central section of the building and the west wing and consist of glazed walls and door with a large roof lantern.
17. While the internal doorway leading from the kitchen to the conservatory would remain, the overly elaborate glazing design and the roof lantern would jar awkwardly with, and harmfully detract from the understated simple vernacular form and character of the listed building. Moreover, its position across two bays of the building would result in an awkward junction spanning differently aligned rear elevations. This would erode the legible and perceptible historic form of the building and result in an inauthentic, prominent and discordant addition.
18. Even though the ground floor level is lower than the rear garden, and thus the lower part of the conservatory would be partially screened in views from the garden, due to its scale, design and modern material, the proposed conservatory would be an unduly dominant feature on the rear elevation. It would diminish the building's historic form and character and fundamentally alter the authenticity of how the asset is experienced from within its rear garden. This would lessen the positive contribution that the asset's immediate setting makes to its significance, as well as reduce the ability to appreciate that significance.
19. The conservatory would not be visible from the public domain. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. It does not therefore follow that a lack of public visibility of a proposal results in a lack of harm to the significance of a designated heritage asset.
20. With regard to the summerhouse, this would be modest in size and constructed in timber with traditional shingle roof tiles. It would not be conspicuous, being located some distance from the host building and close to boundary vegetation. The Council raises no objections to this aspect of the proposal and given the above, neither do I.
21. Turning to the replacement windows and doors, I accept that uPVC is not a traditional material and note the Council's preference for timber to be used. The 2no. new windows on the front elevation of the west wing, would comprise of a side hung 3-light double glazed casement window at ground floor and a 3-over-6 pane double glazed timber sash window with timber astragals at first floor. All windows on the rear elevation and return elevation of the west wing would be replaced with 6-over-6 pane double glazed timber sash. The two uPVC glazed doors on the rear elevation, one of which is a pair of French doors, would be replaced with double glazed timber doors.
22. No detailed plans or specifications have been provided in relation to the existing sash windows on the front elevation to enable a full comparison with the proposed

windows. Although section plans have been submitted of the proposed windows and doors, no dimensions have been provided, and the glazing appears to sit much further forward in the reveal than those on the front elevation. It is evident that they would not precisely replicate those on the front elevation given that they would incorporate double glazing. The glass itself would be readily apparent as a new addition, owing to its consistent modern finish that would fail to replicate the appearance of the existing glass or its evidential value.

23. For these reasons I do not share the views of the appellant that the proposed windows and doors would re-establish the significance of the asset. Nevertheless, most would be uniformly timber sash reflecting some of the existing and likely historic materials and styles used on the building. Therefore, in comparison to the existing uPVC windows and doors I am satisfied that they would better harmonise with the listed building's historic architectural form and materials.
24. There is a notable deficiency of detail regarding the proposed lime mortar and how the existing cement mortar would be removed. It is typically accepted that cementitious mortars can result in long term damage to traditional buildings and the use of lime mortar may be an improvement to the fabric and the building's architectural integrity. Nevertheless, the extent of any benefit to the building is very much dictated by the potential for damage to the surviving sandstone upon removal of the cement mortar and the type and properties of the lime and the proposed lime mortar mix. I agree with the parties that, subject to details agreed through condition in the event the appeals were allowed, the repointing of the exterior of the rear elevation of the building in lime mortar would likely sustain and enhance the special interest and significance of the listed building.
25. Bringing all the above together, for the reasons stated above, the proposed conservatory would result in a harmful addition to the building that would diminish important aspects of the building's special interest and significance which underpin its authenticity and integrity as a designated heritage asset.
26. In reaching this conclusion, I have had regard to the Heritage Statement⁵ (HS) submitted by the appellant in support of the proposal. Notwithstanding the conclusions of the HS, for the reasons stated above, I find that the conservatory would not relate well to the listed building and its identified special interest.
27. Accordingly, the proposed conservatory would fail to preserve the Grade II listed building Green Farm, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) and section 66(1) of the LBCA Act. In doing so, it would cause harm to the significance of this designated heritage asset.

Public benefits and balance

28. Paragraph 212 of the Framework sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification, and the magnitude of any harm should be assessed. The PPG requires the category of harm to be explicitly identified and the extent of harm within that category to be articulated⁶. Given the extent and nature of the proposed

⁵ Heritage Asset, Access and Design Statement, Peter Messenger, undated

⁶ Paragraph: 018 Reference ID: 18a-018-20190723

conservatory, I find that the harm in this instance would be towards the middle of 'less than substantial' but, nevertheless, of considerable importance and weight.

29. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use. The PPG is clear that public benefits should flow from the development or works. They should be of a nature and scale to be a benefit to the public at large and not just be a private benefit⁷.
30. It is reasonable to conclude there would be social and environmental benefits from the improvements to the housing stock within the area. The removal of cement mortar and replacement with a suitable mix of lime mortar would be likely to improve the longevity of the historic fabric and as such would be a heritage benefit of the proposal. The replacement of the existing uPVC windows and doors with timber would re-instate a traditional timber material. This would also be a heritage benefit. Overall, these would be public benefits which would flow to the wider community and attract moderate weight in favour of the appeal.
31. However, these benefits are not dependent upon the aspect of the scheme that I find harmful, namely the conservatory. I am therefore not persuaded that the only way of securing such benefits would be via the particular scheme that is before me. Moreover, there is no compelling evidence before me which demonstrates that the proposed development and works are necessary to secure the listed building's viable ongoing use.
32. In all of the above respects, clear and convincing justification has not been provided for the identified harm to the significance of the designated heritage asset. Overall, the moderate weight I ascribe to the public benefits which would accrue from the proposal, including heritage benefits, are not sufficient to outweigh the considerable importance and weight I attach to the harm I have found.
33. I conclude that the proposed conservatory would fail to preserve the Grade II listed building, Green Farm, or any features of special architectural or historic interest which it possesses. This would be contrary to the statutory requirements of sections 16(2) and 66(1) of the LBCA Act. In relation to Appeal A, it would also conflict with Policies SP6, SP7 and HE3 of the Carlisle District Local Plan 2015-2030, adopted November 2016. Together, amongst other things, these policies seek to secure good design, to protect and enhance the character, appearance, archaeological value and significance of the district's heritage assets and that listed buildings and their settings will be preserved and enhanced. It would also not comply with the provisions of the Framework which seek to conserve and enhance the historic environment.

Split Decision

34. As set out above, I have reached different conclusions in respect of different elements of the development, as did the Council. Under section 79(1)(b) of the Act I have discretion to split the decision by allowing one part of a scheme and dismissing the rest.
35. I have found the proposed replacement of uPVC windows and doors with timber windows and doors; the removal of existing cement pointing on the rear elevation

⁷ Paragraph: 020 Reference ID: 18a-020-20190723

and its replacement with lime mortar; and the timber summer house to be acceptable. These development and works are clearly severable both physically and functionally from the conservatory. Accordingly, it would be appropriate to use the power to split the decision in these circumstances to allow the 'replacement of PVCu windows and doors to reinstate wooden windows and doors, removal of existing cement pointing on the rear elevation to replace with lime mortar, retention of the existing timber summer house' but to dismiss the conservatory.

Other Matters

36. In relation to Appeal A, I note the evidence indicates the appeal site is located in the Wetherall Conservation Area (CA) and is close to other Grade II listed buildings, namely, Greystones⁸ and Wetherall Village Cross⁹. Mindful of the statutory duties set out in s72(1) and s66(1) of the LBCA Act, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA and to preserving the settings of these listed buildings.
37. From the evidence before me and my own observations, insofar as relating to Appeal A, the CA incorporates traditional houses of various sizes lining roads; large traditional houses set in generous plots; and landmark buildings, such as Holy Trinity and St Constantine Church, Killoran Country House and Crown Hotel. Whilst the buildings vary in size, form and design, the use of common materials, including red sandstone and slate, provide unity to the village. These characteristics are enhanced by The Green, formal boundary enclosures and verdant mature gardens. As a good example of a traditional stone and slate property fronting The Green, Green Farm reinforces and positively contributes to the character and appearance of the CA as a whole and thus its special interest and significance as a designated heritage asset.
38. From the information before me, including the HS, I find the special interest and significance of Greystones largely stems from its historic and architectural interests, but are also derived, in part, from its domestic village setting. The special interest and significance of Wetherall Village Cross also derives mainly from its historic and architectural interests. Pertinent in these respects are its surviving material and traditional construction; its symbolism of meaning as a focal point to the local community as part of the local scene. The public routes and verdant spaces, both public and private, that surround these designated heritage assets, provide the space to experience them and appreciate their special interest. On the whole, these 'settings' contribute positively to the listed buildings' significance as designated heritage assets.
39. Given the location and orientation of these assets within the village and in the landscape in relation to the position of the appeal site and the proposal, I consider the character and appearance of the CA would be preserved. With regards to the listed buildings, for the same reasons I find the proposal would not diminish the ability to appreciate their significance and would preserve their settings. In this respect, the proposal would meet the requirements of sections 66(1) and 72(1) of the LBCA Act. I also note that the Council did not consider any effects in these regards sufficiently harmful to justify a reason for refusal on this basis.

⁸ National Heritage List for England List Entry number: 1087694

⁹ National Heritage List for England List Entry number: 1323117

40. It is asserted by the appellant that should the conservatory have been constructed in wood, it would not appear dissimilar to the proposed conservatory. However, that is not the proposal before me and materials are not my sole concern with the proposal, as set out above. It is also alleged that other conservatory designs from the early 20th Century have been considered acceptable elsewhere and a photograph has been provided. However, no substantive information has been submitted on this matter to allow any comparison with the scheme before me. Regardless, any direct comparison with other examples does not indicate that the form of the development would sit comfortably in relation to this listed building. I have determined the appeals on their own planning and conservation merits within the current legislative and planning policy context and found the conservatory to be unacceptable.
41. The appellant is dissatisfied with the handling of the applications. I note that some uPVC elements of the proposal were constructed over ten years ago, prior to the appellant's purchase of the property, and the applications were submitted in an attempt to address unauthorised development and works. Information submitted with the appeal suggests the appellant engaged with and received the support of the Council's Conservation Officer prior to purchasing the property. It is alleged that no subsequent specialist conservation advice was obtained during consideration of the applications. Nevertheless, important as this, and other concerns raised by the appellant in this regard are, they are matters between the appellant and the Council. I confirm that I have looked at the proposals afresh, had regard to the evidence provided, and accordingly considered the appeals on their own merits. Matters relating to the Council's procedures are not relevant to my consideration of the appeals.
42. Although there were no objections to the proposal from neighbouring residents, a lack of objection is not a reason to approve unacceptable development or works.
43. The appellant refers to his, and his wife's, ongoing health conditions and suggest the conservatory provides accommodation that benefits their health, well-being and quality of life. In this context, I have had regard to the Public Sector Equality Duty (PSED) to which I am subject. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The relevant protected characteristic in this case include age and disability. Since there is the potential for my decision to affect a person(s) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Equality Act 2010.
44. The negative impacts of dismissing the appeals arise since the property would not be provided with the conservatory as sought. However, this is set against the well-established and legitimate aim of the desirability of preserving listed buildings and the conservation of heritage assets in the wider public interest. The PSED considerations, when assessed proportionately, would not outweigh the harm I have identified in this case.

Conditions

45. I have had regard to the Council's suggested conditions and to paragraph 57 of the Framework and the PPG¹⁰ in terms of the use of planning conditions. For

¹⁰ PPG Paragraphs: 007 Reference ID: 21a-007-20180615; and 017 Reference ID: 21a-017-20190723.

Appeal A, since I have considered the scheme as a proposed development, I have included the standard implementation condition. I have also imposed a condition specifying the relevant plans and documents as this provides certainty.

46. For Appeal B, the Council has suggested the replacement windows and doors should be installed within 12 months of the date of the consent. However, as I have dismissed the appeal in relation to the conservatory and have found the summerhouse to be acceptable, such a condition would be unreasonable and unnecessary. For the same reason, although I note the appellant suggests the time period for implementation should be increased, I consider the suggested condition to require lime mortar pointing to be commenced within 12 months and completed within 24 months to be unreasonable and unnecessary. It is open to the Council to address potential unauthorised development elsewhere in legislation should this consent not be implemented. I have therefore imposed the standard implementation condition.
47. I also have imposed the Council's suggested condition in relation to the provision of a sample area of re-pointing in the interests of the character and appearance of the building. A condition specifying the relevant plans and documents is not necessary, as adherence to the plans which accompany the application is part of the formal decision.

Conclusion

48. **Appeal A:** For the reasons given above the appeal should be allowed in part and dismissed in part. The appeal is allowed insofar as it relates to the summerhouse. The conservatory, however, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the harm and associated development plan conflict. I therefore dismiss this appeal insofar as it relates to the conservatory.
49. **Appeal B:** For the reasons given above the appeal should be allowed in part and dismissed in part. The appeal is allowed insofar as it relates to the replacement of PVCu windows and doors to reinstate wooden windows and doors, removal of existing cement pointing on the rear elevation to replace with lime mortar, retention of the existing timber summer house and dismissed insofar as it relates to the conservatory.

Ann Veevers

INSPECTOR

Annex A – Schedule of Conditions

Appeal A: APP/F0935/D/24/3354179 – LPA Ref: 24/0016

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Block (Site) Plan Ref 233401 Issue A.

Photographs of summerhouse in Green Farm, Wetheral, Heritage Asset,
Access and Design Statement, Peter Messenger, undated.

Appeal B: APP/F0935/Y/24/3354167 – LPA Ref: 23/0828

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Prior to the commencement of re-pointing, a sample area of the re-pointing on the rear elevation shall be prepared and approved in writing by the local planning authority. The re-pointing shall then be implemented in strict accordance with the approved sample area.

END OF CONDITIONS