



Appeal Decision

Site visit made on 19 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/F0935/W/25/3360392

Land Adjacent to The Wheatsheaf, Abbey Road, Abbeytown CA7 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr D Wright, Gleeson Homes, against the decision of Cumberland Council.
 - The application Ref VAR/2022/0027 was approved on 31 October 2024 and planning permission was granted subject to conditions.
 - The development permitted is described as 'Variation to conditions 2, 10 and 12 to amend plots 1-3 (change render and alter landscaping) on approved application FUL/2020/0024'.
 - The condition in dispute is No 2 which states that: *Within 2 months from the date of this grant of planning permission, the dwellinghouses fronting Abbey Road shown as Plots 1-3 inclusively and Plots 32-38 inclusively on approved drawing 45D- MJG-100 revision U Detailed Site Layout Plan shall have their external facades completed in render in accordance with the materials detailed on approved drawing no. 45D-MJG-102; Revision N Boundary and Elevations Diagram received 2 February 2023. Following this, there shall be no alteration to the external render without prior written consent of the Local Planning Authority.*
 - The reason given for the condition is: *In order to ensure a satisfactory standard of development for the external appearance of the approved scheme in relation to its surroundings, in compliance with the National Planning Policy Framework and Policy S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.*
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Decision

1. The appeal is allowed and the planning permission VAR/2022/0027 for the Variation to conditions 2, 10 and 12 to amend plots 1-3 (change render and alter landscaping) on approved application FUL/2020/0024 at Land Adjacent to The Wheatsheaf, Abbey Road, Abbeytown CA7 4PX granted on 31 October 2024 by Cumberland Council is varied by deleting Condition 2.

Procedural Matters

2. I have taken the postcode of the appeal site from the Council's questionnaire as none was provided on the application form.
3. It is common ground between the parties that the appeal site lies within the setting of the Grade I listed building known as Holme Cultrum Abbey. The List Entry name for the building is Church of St Mary¹ and I have used this name throughout my decision. Under Regulation 5A(1) and (3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended by the 2015 Regulations), Historic England (HE) must be notified on development which the Council consider would affect the setting of a Grade I or Grade II* listed building. However, the Council confirmed that HE was not notified as part of the determination of the application (VAR/2022/0027). Consequently, this was

¹ National Heritage List for England List Entry number: 1144608

undertaken as part of the appeal. HE submitted comments, to which the appellant was given the opportunity to respond. I am therefore satisfied that no party will be prejudiced by my taking HE's comments into account in my determination of the appeal.

4. Attached to the Church of St Mary is a Grade II listed building known as Abbey Shop Abbeytown Library² and also forming part of the group is a Grade II listed Churchyard Wall South of Church³. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), I have had special regard to the desirability of preserving these buildings or their settings or any features of special architectural or historic interest which they possess.
5. On 1 April 2023 Allerdale Borough Council was dissolved and merged with other Councils to form one unitary authority known as Cumberland Council. However, until such time as it is replaced, the statutory provisions set out through Regulation 26 of the Local Government (Boundary Changes) Regulations 2018 allow for any extant development plans to have effect as if adopted by the new Unitary Authority until such time as the new Unitary Authority adopts a plan covering the whole of its area. For the purposes of this appeal, the development plan comprises the Allerdale Local Plan (Part 1) Strategic and Development Management Policies, adopted July 2014 (LP-Part 1) and the Allerdale Local Plan (Part 2) Site Allocations, adopted July 2020 (LP-Part 2).

Background

6. Planning permission for 39 dwellings and associated infrastructure on land adjacent to The Wheatsheaf, Abbey Road, Abbeytown, was granted on 16 December 2021⁴ (the original permission). This permission was subsequently varied on 31 October 2024⁵ (the varied permission). The practical effect of the approval of the varied permission was that a new, independent planning permission to carry out development with the same description as the original permission was created, subject to amended conditions. It is the varied permission that is the subject of this appeal.
7. The appeal proposal seeks to remove Condition 2 of the varied permission. Condition 2 requires that the external elevations of dwellings constructed on Plots 1 to 3 and Plots 32 to 38 should be finished in render in accordance with details provided on a specific plan and within 2 months of the date of the varied permission. At the time of my site visit, the dwellings on the above plots had been constructed and appeared to be occupied. The external elevations to these dwellings have been finished in a mix of brick and render. In removing Condition 2, the appellant seeks to retain the dwellings as constructed.
8. Plots 1 to 3 are now 1 to 5 (odds) Barley Meadows and Plots 32 to 38 are now 2 to 14 (evens) Barley Meadows. However, for consistency, I have used the plot numbers referred to in Condition 2 which have also been used by the parties in the appeal submissions.

² National Heritage List of England List Entry number: 1327156

³ National Heritage List for England List Entry number: 1212548

⁴ LPA Ref: FUL/2020/0024

⁵ LPA Ref: VAR/2022/0027

Main Issues

9. The main issues are the effect that removing the condition would have on:
- the setting of the Grade I listed Church of St Mary (the Church), the Grade II listed Churchyard Wall South of Church of St Mary (the Wall) and the Grade II listed building known as Abbey Shop Abbeystown Library (the Shop); and,
 - the character and appearance of the area.

Reasons

Listed Buildings

Special interest and significance

10. In considering this main issue, I have had regard to the definitions of 'significance (for heritage policy)' and 'setting of a heritage asset' in the Glossary of the National Planning Policy Framework (the Framework); and guidance by Historic England on the setting of heritage assets⁶, recognising that the importance of a heritage asset's setting lies in what it contributes to the significance of the asset or to the ability to appreciate that significance.
11. Information on heritage assets from both parties is scant and contains no assessment of significance. However, from the evidence before me, including the list entry, it is apparent that the Church is of 12th century origin as part of a Cistercian Abbey, with 16th and 18th century additions and subject to restoration in the 20th century. Constructed of large blocks of red sandstone with a graduated greenslate roof, only the large and impressive nave of the original Abbey building remains, with the aisles having been removed. The building features a large two storey porch on the west elevation facing Abbey Road with a heavily moulded portal. An ambulatory has been added to the south side of the building linking with the adjoining Grade II listed building, the Shop. The Wall is a Grade II listed low sandstone wall that is built on the site of the south aisle wall of the original Abbey. A relatively extensive churchyard is located to the north and east of the Church with much of the original Abbey buildings lying underground.
12. From my own observations and what is before me, the Church's special interest and significance are mainly derived from its archaeological, historic and architectural interests. Important contributors in these regards are its evolution over time and surviving historic fabric; traditional construction and materials; and its former monastic and ongoing ecclesiastical use and symbolism of faith which link to the local community.
13. The Wall is a low red sandstone wall made of squared block sitting on a medieval plinth. Its special interest and significance are derived from its archaeological and historic interests from its past use as an enclosure around a Cistercian Abbey. The Wall is unfinished, and a more recent sandstone wall now encloses the churchyard and the field to the south.
14. From what I saw, the Shop is used as a tea room, exhibition space and for holiday accommodation. It is a two storey, four bay building that, from the evidence, was constructed in the late 19th Century using the same materials as the Church and is

⁶ Historic England: Historic Environment Good Practice Advice in Planning: 3, The Setting of Heritage Assets, 2017.

attached to its porch. On the information presented, I find it has historic and architectural interest as a result of its age, traditional construction and materials.

15. The Church, the Wall and the Shop have group value given their physical and historic associations. The consistent palette of red sandstone contributes to the architectural significance of these listed buildings and the legibility of their former uses.
16. Pertinent to the appeal, the special interest and significance of all these listed buildings also stem, in part, from their setting, which is of a reciprocal and overlapping nature as they are inherently experienced together. Their immediate setting to the north, east and south, comprising the large, enclosed graveyard and grazing field beyond has, to varying degrees, historic, monastic functional, physical and visual links with the assets. This tranquil space allows the Church and its former status and role within the area to be experienced and contributes considerably to both its significance as an asset, as well as the ability to appreciate that significance. The immediate setting to the west includes Friars Garth and the B5307, two roads that converge in front of the group of listed buildings and largely form the edge of the built up part of the village.
17. Beyond their immediate setting, the surrounding land to the east, north and south is mostly undeveloped flat agricultural and wet moss land. This generally open context maintains the historic relationship of the Church with the Parish it serves. Importantly, it allows the associations of the Church and the Wall with their former monastic use as part of a larger Abbey complex the local rural landscape within which it sits, close to the Solway Firth, to be appreciated. It conveys the building's enduring functional and communal importance. These positive qualities of the listed building's wider setting contribute in a meaningful way to their special interest and significance and reinforce the Church's high status as a Grade I listed building of exceptional interest.
18. To the west, the village comprises of developed, mainly residential land that has grown organically and includes a plethora of building sizes, styles and materials, albeit predominantly render. The disparate arrangement of buildings and intrusion of roads has diminished the contribution that the western aspect of the listed buildings wider setting makes to the understanding of the Church's monastic importance. While the wall fronting the appeal site is similar in form and materials to the wall that surrounds the Church, no substantive evidence has been submitted for me to determine whether there is a historical link between the appeal site boundary wall and the listed Wall. Even if there is, due to the distance and intervening development, the appeal site makes a neutral contribution to the special interest and significance of the listed buildings.

Proposal and effects

19. Barley Meadows has its primary frontage onto Abbey Road where it is enclosed from the road by a low stone boundary wall. Plots 1 to 3 and 32 to 38 (the appeal plots) front Abbey Road but are set back from the road behind a landscaped area and the vehicular access driveway to the plots. Condition 2 of the varied permission specifies that the appeal plots 'shall have their external facades completed in render in accordance with the materials detailed on approved drawing no 45D-MJG-102; Revision N Boundary and Elevations Diagram received 2 February 2023' (the elevation plan). The plan shows a green line around those

plots where a 'Proposed Render Unit Typology' is proposed and incorporates the appeal plots.

20. From the information submitted with the appeal, the dwellings on the appeal plots have been constructed in accordance with the approved house type plans listed in Condition 1 of the varied permission, which show render on front elevations and brick to all other elevations. However, due to the orientation of dwellings on Plots 32 and 38, the side (brick) elevation faces Abbey Road. While the Council argue all the external elevations on dwellings on the appeal plots should be render; as set out above, that is not what is indicated on the approved house type plans, nor is it clearly expressed on the elevation plan listed in condition 2.
21. Nevertheless, the Council's particular concern, as expressed in an email exchange between the Council and the appellant⁷, is that the external finish on the elevations of all dwellings on the appeal plots that directly face Abbey Road should be render, and the dwellings on Plots 32 and 38 are not.
22. In this regard, while not listed in the reason for Condition 2 on the decision notice, Policy SA20 of the LP-Part 2 has been referred to by both parties in their submissions. This sets out the development considerations for Barley Meadows as a housing allocation and requires, amongst other things, that 'the layout, design and materials of new development must take account of the need to not detract from or dominate any views of the Abbey; elevations facing Abbey Road will be expected to be predominantly stone/render'.
23. The crux of the matter is therefore whether or not the introduction of brick on the elevations of dwellings facing Abbey Road would preserve the settings of the nearby listed buildings. Paragraph 199 of the Framework 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 (and the more important the asset the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
24. As development within the wider village setting of the Church, the Shop and the Wall, the appeal plots do not affect the historic fabric of these listed buildings or their immediate settings.
25. The Wall is obscured in views from the appeal plots by the Church and the Shop but the relatively straight alignment of Abbey Road allows some intervisibility between the appeal plots and the Church and the Shop. As such, the dwellings on the appeal plots, and in particular Plots 32 and 38, are seen in the same visual envelope as the Church, and to a lesser extent, the Shop when viewed along Abbey Road. Other intervening buildings on either side of Abbey Road are also seen in the same visual envelope. Some of these buildings abut the pavement and others are set back from the road. Many are render and pebble dashed but some such as Cultram House, The Strails and the entrance wall and bungalows at Cultram Close incorporate brick features and other buildings are constructed in sandstone. The wider setting to the west of the Church and the Shop has therefore already changed with the incremental addition of varied and higher-density residential development in the village.

⁷ Emails from Council to appellant dated 27 June 2023 and 31 July 2023.

26. Insofar as relevant to this appeal, I find the prominence and dominance of the Church as the main feature at the edge of the village is not diminished by the presence of the appeal plots. This is because other dwellings on Barley Meadows are completely finished in brick and are also visible from the road. In this context, and that there is no clear unified building typology along Abbey Road, the overall development at Barley Meadows provides a positive reference for the external material at the appeal plots.
27. Taking into account that the sandstone wall fronting Abbey Road is retained, the set back of the appeal plots from the road, the distance between the appeal plots and the listed buildings, the intervening development and that the predominant external material finish of dwellings on the appeal plots facing Abbey Road is render, I find they preserve the settings of the nearby Church, the Shop and the Wall and do not change the ability to appreciate and understand them.
28. Drawing all of the above together, those elements which are integral to the assets' interests and significance are preserved and not harmed as a result of the removal of Condition 2. Therefore, Condition 2 is not reasonable or necessary in order to preserve the settings of the nearby listed buildings. That being so, its removal would not conflict with the Act or Policies S4 and DM1 of the LP-Part 1. These policies seek, amongst other things, high standards of design, and that development responds to the character, history and distinctiveness of its location. Since the elevations of dwellings on the appeal plots facing Abbey Road are predominantly render and given my findings above, the removal of Condition 2 would also comply with Policy SA20 of the LP-Part 2 and guidance in Section 16 of the Framework, which is also concerned with heritage assets.

Character and appearance

29. Abbeytown is a relatively small village surrounded by moderately flat open countryside. It centres around three roads which are predominantly lined with residential dwellings, although there is a primary school and convenience shop on Main Street, and a public house on Abbey Road. Several farmsteads are located on the edge of the village.
30. The village does not have a unified character. On the approach into the centre of the village from the west along Main Street, single and two storey properties sit either side of the road, some behind small front gardens and others sit directly up to the pavement. A mix of external finishes and styles of properties add to the overall variety of this street. The approach from the south along the B5302 is more spacious with gaps between properties, most of which are rendered.
31. In the immediate vicinity of Barley Meadows along Abbey Road, this part of the village has an unconsolidated appearance, where buildings do not follow a clear building line, are of various sizes and have differing architectural details. While most are rendered pebble dash, as I have set out above, brick and stone buildings and boundary walls are also evident along the road. This section of the street scene has a degree of local distinctiveness as a consequence of the stone boundary wall fronting the Barley Meadows and it appears that care has been taken to retain a buffer between the modern housing development and the boundary wall. This also provides a separation from the row of more traditional buildings that sit directly adjacent to the pavement on the opposite side of Abbey Road.

32. Dwellings on the appeal plots take their cue in terms of external materials, from other dwellings on Barley Meadows and the surrounding area. I saw at my site visit that since this is generally varied, the current brick finish to the elevations of dwellings on Plots 32 and 38 that face Abbey Road are not a marked contrast to their immediate surroundings. Due to the set back from the road and that the appeal plots are seen in the context of the overall housing development and the wider appearance of buildings in the village which include brick, they are not overly intrusive or detract from the qualities of the area. Furthermore, the establishment of new trees along the site's Abbey Road frontage will, in time, further assimilate the modern appearance of dwellings on the appeal plots into the wider area.
33. For the above reasons, I therefore conclude that Condition 2 is not reasonable or necessary in order to protect the character and appearance of the area. Its removal would not conflict with Policies S4 and DM1 of the LP-Part 1, which both seek, amongst other things, high standards of design, and that development responds to the character, history and distinctiveness of its location.

Other Matters

34. The appeal site lies within the Solway Coast National Landscape (SCNL). In determining this appeal, I have therefore had regard to my statutory duty under section 85(1) of the Countryside and Rights of Way Act 2000, as amended by section 245 of the Levelling Up and Regeneration Act 2023 to seek to further the statutory purposes for which the SCNL is designated. I have also had regard to paragraph 189 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of the National Landscape.
35. The Council have raised no concern with the appearance of the dwellings on the appeal plots in relation to the SCNL. Given planning permission has already been granted for dwellings on the appeal plots, and they have been constructed and are surrounded by built development, I find the proposed external finish changes which are the subject of this appeal would conserve and not harm the scenic beauty of the SCNL.

Conclusion

36. For the reasons given above, I conclude that the appeal should be allowed and I vary the planning permission by deleting the disputed condition.

Ann Veevers

INSPECTOR