



Appeal Decision

Site visit made on 7 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: APP/A2335/D/25/3368499

Burnside, Proctor Moss Road, Ellel, Lancashire LA2 0QG

- 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 Shane Mather against the decision of Lancaster City Council.
 - The application Ref is 24/01409/FUL.
 - The development proposed is described as 'The construction of a new double garage with annex accommodation over. Associated landscape and access alterations'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. As the proposal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposed development would preserve the Grade II listed building known as Dam Head¹, or its setting, or any features of special architectural and historic interest it possesses; and the effect of the proposed development on the character and appearance of the area.

Reasons

Listed Building

Special interest and significance

5. The Grade II listed Dam Head is a two-storey building constructed of slobbered rubble stone with a slate roof. A painted inscription above the front door identifies that the building was built in 1734. Commentary in the appellant's heritage assessment² states the building was originally built as a corn mill, although no further information relating to its origins or its significance in this regard has been provided. I note the list entry states it is a house of 2 bays with flush chamfered mullioned windows. It is set back from Proctor Moss Road in open countryside.

¹ National Heritage List for England, List Entry number:1071743

² Rocket Architects Heritage Statement, dated 3 January 2025

6. From the evidence and my own observations, Dam Head's special interest and significance mainly stem from its historic and architectural interests. Its surviving historic fabric, traditional construction, materials and plan form are all important contributors in these regards.
7. Pertinent to the appeal, special interest and significance are also drawn, in part, from the listed building's rural setting and associated farm buildings. The listed building's immediate surroundings, which includes the appeal site, are the principal spaces from which it is experienced and have evolved over time. In this respect, the listed building is separated from some of its formerly associated buildings to the north/east by a garden enclosed by stone walling and well-established vegetation. These buildings include a large stone barn, a smaller open sided barn and a single storey stone barn that has been converted to residential accommodation, is linked to, and forms part of the appeal property, Burnside, a 20th century bungalow.
8. The limited evidence before me indicates the buildings and land formerly associated with the listed building as a farmstead are now in different ownership and uses. Although the functional relationships they once had with the listed building have been somewhat diminished as a consequence, the Council argues they are curtilage listed buildings due to their remaining physical and visual historic links with the listed building. This has not been disputed by the appellant.
9. Burnside lies to the east of the listed building. The elongated, modern form and design of Burnside, together with its extensive domestic garden competes to a modest extent, both spatially and visually, with the importance of Dam Head. However, it is single storey, set back from the road and separated from the listed building by vegetation, a stone wall and an access track. This allows the primary status and historical architectural merit of Dam Head as the main farmhouse within the cluster of buildings to be legible. I find the listed building's immediate setting comprising its garden, former traditional farm buildings and surrounding fields makes a tangible and meaningful contribution to both its significance as a designated heritage asset and the ability to appreciate that significance.
10. The enduring rural context of Dam Head's wider surroundings still denotes its historic setting and reflects the links between the two. As a result, I find that the building's wider setting also makes an important positive contribution to its significance.

Proposal and effects

11. The proposed development would provide garaging with annex accommodation above (the outbuilding) and a formalised parking area. It would be located in the front garden of Burnside, close to the River Conder which flows through the garden. Plans indicate part of an existing stone boundary wall would be removed and replaced by the gable wall of the outbuilding, which would be constructed in stone to the lower part and timber cladding above with a slate roof. External stone steps would provide access to the first floor. An existing access to a compacted earth and gravel parking area would be formalised with porous pavers/ limestone gravel and an existing stone gatepost and wooden telegraph pole repositioned.
12. It appears that the proposed development was amended prior to the Council making its decision on the application.

13. Due to the topography of the site, the outbuilding would be at a lower ground level than Burnside and would sit between two mature trees. The distinctive form and contemporary style of the outbuilding would distinguish it from Dam Head and its historically associated farm buildings, and, from the evidence before me, does not involve the loss of historic fabric.
14. However, on the basis of the submitted plans, the height of the outbuilding itself would be similar to that of the stone barn attached to Burnside. Although it would be positioned at a lower ground level, the overall difference in height would not be overly discernible when viewed against the surrounding cluster of buildings or from Proctor Moss Road. Furthermore, as a result of the mix of materials, the number of openings relative to the proportions and scale of the outbuilding, the extent of photovoltaic panels and the high-level glazing, the outbuilding would appear inauthentic in the context of its rural location. Such features would draw the eye, competing with and distracting from the simpler form, character and stone construction of the listed building and its associated former farm buildings.
15. Moreover, as a result of the overall height and location of the proposed outbuilding between Burnside, Dam Head and Proctor Moss Road, the appearance of the approach to the listed building from the shared access would be significantly altered. This would be the case whatever the orientation of the outbuilding. I recognise the outbuilding would be separated from Dam Head by mature hedging, would be set away from Burnside and would be partially screened by trees. Nevertheless, when viewed from the shared access and Proctor Moss Road, the height and siting of the proposed outbuilding would make it more difficult to understand the original form and function of the former barn now part of Burnside, even if this was not curtilage listed. It would disrupt the legibility of the historic group of buildings associated with Dam Head.
16. Although the setting of a heritage asset is not fixed and can change and evolve over time, given the height and siting of the proposed outbuilding, the ability to appreciate the historic function of Dam Head as the main farmhouse would be weakened. The contribution that the open setting to the front of the listed building makes to the listed building's significance would be diminished. As a result, the setting would not be preserved and an element that contributes to its overall significance would be harmed.

Heritage balance

17. In finding harm to the significance of a designated heritage asset, Planning Practice Guidance (PPG) requires the magnitude of that harm to be assessed³. Given its scale, I find the harm to the listed building from the proposed development within its setting would be less than substantial and towards the lower end of this category of harm. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. Where a proposal would lead to less than substantial harm, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. PPG is clear that public benefits should flow from the development. They should be of a

³ Paragraph: 018 Reference ID: 18a-018-20190723

nature and scale to be a benefit to the public at large and not just be a private benefit⁴.

19. No public benefits have been put forward by the appellant in support of the proposed development. However, I recognise it would provide a boost to the local economy and local employment during the period of its construction. This outcome would flow from the proposed development and is of a nature to be of benefit to the public at large. However, the weight it carries in the balance is moderated by the limited extent of the proposal but, nonetheless, weighs in favour of the appeal.
20. Even if the proposed development would not be at flood risk, adversely affect trees or biodiversity interests and would be energy efficient, these are expectations of all development. As such, they are neutral factors rather than public benefits carrying positive weight in favour of the development.
21. Paragraph 213 of the Framework is explicit in its requirement that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Overall, the limited weight that I ascribe to the public benefit that would accrue from the proposal is not sufficient to outweigh the considerable importance and weight I attach to the harm I have found.
22. I therefore conclude that the proposed development would fail to preserve the setting of the Grade II listed building, Dam Head. This would conflict with the statutory requirements of the Act. It would also be contrary to Policies DM37 and DM39 of A Local Plan for Lancaster District 2020-2031, Part Two: Development Management Development Plan Document (climate emergency review), adopted 22 January 2025 (LDPD). These policies recognise the contribution that the setting of a designated heritage asset can make to its significance and together seek, amongst other things, that proposals affecting listed buildings should conserve, and where appropriate, enhance those elements which contribute to its significance. There would also be conflict with the provisions of the Framework which seek to conserve and enhance the historic environment.

Character and appearance

23. The appeal site is located within undulating countryside, the key characteristics of which comprise a mix of pastureland, woodland, hedgerows, rivers and streams. Scattered farm buildings and localised clusters of buildings are nestled into hillsides and valleys. From the evidence before me, I am not aware the site is within any formally designated landscape area. Regardless, the appeal site is seen in the context of the locally distinctive undeveloped open countryside. The open nature of Burnside's front garden, which also includes trees and the River Conder, reflects the positive rural attributes of the area.
24. Given its height and siting, the proposed outbuilding would be a prominent feature in the space between Burnside and Proctor Moss Road. It would appear as a separate and incongruous domestic adjunct, unrelated to the historic farm complex. The high-level glazing, stone steps with handrail and extent of solar panels on the south-facing elevations would exacerbate the outbuilding's prominence when viewed from Proctor Moss Road. Despite its proximity to surrounding trees, which would offer some screening during months when leaves

⁴ Paragraph: 020 Reference ID: 18a-020-20190723

are on the trees, this would not be the case during other months when leaves would be absent.

25. For the above reasons, the proposed development would be visually conspicuous. Consequently, it would be harmful to the character and appearance of the area. As such, it would conflict with Policy DM29 of the LDPD which, amongst other things, seeks that new development makes a positive contribution to the surrounding landscape, identity and character of the area.

Other Matters

26. The appellant is dissatisfied with the handling of the application subject of this appeal. The appellant's evidence demonstrates that he engaged in pre-application discussions, amended the scheme when requested and that the proposed development was initially supported by the Council's Conservation Officer. In this context I note that the appellant is aggrieved by the Council's piecemeal contradictory advice and ultimate decision to refuse the application. Whilst I acknowledge the Council's actions would be likely to be frustrating, this has had no bearing on the outcome of the appeal as I can only have regard to the planning merits of the scheme that is before me.
27. I note a neighbour's comment in support of the proposed development. Support for a proposal does not indicate a lack of harm and I have set out above why the proposed development does not preserve the setting of the listed building or the character and appearance of the area.

Conclusion

28. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan.
29. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Ann Veevers

INSPECTOR