



Appeal Decisions

Site visit made on 28 January 2026

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 18th May 2026

Appeal A Ref: APP/A2335/W/25/3370660

Old Hall Farm, Kirkby Lonsdale Road, Over Kellet, Lancashire LA6 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark Drinkall of Marshaw Developments Ltd against the decision of Lancaster City Council.
 - The application Ref 24/00620/VCN, dated 5 June 2024, was refused by notice dated 14 February 2025.
 - The application sought planning permission for relevant demolition of existing outriggers and agricultural buildings and change of use of agricultural buildings to 4 dwellings (C3) including the erection of single storey rear extensions, installation of windows, doors, rooflights, flues, erection of garages with associated parking, creation of internal access road and turning head and erection of boundary treatments without complying with condition 2 attached to planning permission Ref 21/00363/FUL, dated 26 May 2022.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans:*
 - 452-200 Rev B – Existing Site Plan. Site Location Plan
 - 452-210 Rev C – Proposed Site Plan
 - 452-211 Rev C – Proposed Attached Barn – Building 7 Plans, Elevations and Section
 - 452-212 Rev C – Proposed Road Side Barn- Building 1&2 Plans, Elevations and Section
 - 452-213 Rev C – Proposed Central Barn – Buildings 3, 4 & 10 Plans, Elevations and Section
 - 452-215 Rev C – Proposed Garage, Landscape Wall/Fences Proposed Roof Details
 - 452-216 Rev B – Proposed Door & Window Types
 - The reason given for the condition is: *For the avoidance of doubt and to ensure a satisfactory standard of development.*
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Appeal B Ref: APP/A2335/Y/25/3370655

Old Hall Farm, Kirkby Lonsdale Road, Over Kellet, Carnforth, Lancashire LA6 1DA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent for the development of land carried out without complying with conditions subject to which a previous listed building consent was granted.
- The appeal is made by Mr Mark Drinkall of Marshaw Developments Ltd against the decision of Lancaster City Council.
- The application Ref 24/00626/VCN, dated 5 June 2024, was refused by notice dated 14 February 2025.
- The application sought listed building consent for relevant demolition of existing outriggers and agricultural buildings and change of use of agricultural buildings to 4 dwellings (C3) including the erection of single storey rear extensions, installation of windows, doors, rooflights, flues, erection of garages with associated parking, creation of internal access road and turning head and erection of boundary treatments without complying with condition 2 attached to listed building consent Ref 21/00358/LB, dated 26 May 2022.

- The condition in dispute is No 2 which states that: *The works hereby permitted shall be carried out in accordance with the following approved plans:*
 - 452-200 Rev B – Existing Site Plan. Site Location Plan
 - 452-210 Rev C – Proposed Site Plan
 - 452-211 Rev C – Proposed Attached Barn – Building 7 Plans, Elevations and Section
 - 452-212 Rev C – Proposed Road Side Barn- Building 1&2 Plans, Elevations and Section
 - 452-213 Rev C – Proposed Central Barn – Buildings 3, 4 & 10 Plans, Elevations and Section
 - 452-215 Rev C – Proposed Garage, Landscape Wall/Fences Proposed Roof Details
 - 452-216 Rev B – Proposed Door & Window Types
 - The reason given for the condition is: *For the avoidance of doubt and to ensure a satisfactory standard of works.*
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Decision

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. On the appeal form the site address was given as York House. However, it was confirmed by the appellant that the site is Old Hall Farm, and the appeal has been determined on this basis.
4. Planning permission and listed building consent were granted for works to, and the change of use of, agricultural buildings to 4 dwellings¹. The buildings had been converted, with one of the new dwellings occupied, when I did my site visit. The other dwellings had been fitted out with kitchens, bathrooms and floor coverings.
5. Both permissions were subject to Condition 2, approved plans. The applications subject to this appeal sought to amend the condition, as some of the works to the buildings do not comply with the approvals and are therefore unauthorised. The appellant contends that these changes are a result of practical and technical construction issues when implementing the permissions.
6. The ability to attach a condition to seek adherence to approved plans only applies to planning applications through the Town and Country Planning Act 1990 and the submission of a Section 73 application. There is no equivalent in the Planning (Listed Buildings and Conservation Areas) Act 1990, where permission is granted for a specific development and therefore a new application should be sought for variations to listed building consent.
7. However, the Council imposed the condition on the section 20 application, then determined it, thereby considering the scheme proposed. Consequently, I shall do the same. Although planning permission and listed building consent are under different legislation, I have dealt with both appeals together in my reasoning.
8. The proposal relates to listed buildings within a conservation area. As required by sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess; and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

¹ Ref: 21/00363/FUL and 21/00358/LB.

Main Issues

9. In the context of the above, the main issues are whether the consequences of varying condition 2 would:
 - *For Appeal A and Appeal B*: preserve the grade II listed buildings, or their setting or any features of special architectural or historic interest which they possess; and
 - preserve or enhance the character or appearance of the Over Kellet Conservation Area (CA).
 - And in *Appeal A* only, have a detrimental effect on highway safety.

Reasons

Special interest and significance of the listed buildings

10. The appeal site consists of two listed buildings and a curtilage listed building. 'Building 7' is part of the grade II listed 'Old Hall Farmhouse and Barn adjoining to the left'², although the farmhouse is outside the application site. The two-storey farmhouse has a lintel scribed with '1668 RFM'. The attached barn, with a wide segmental arched entrance, is a former stable with trap house, and likely an 18th or early 19th century addition to the house, possibly a rebuilding of an earlier structure.
11. To the west of this is 'Building 1', a grade II listed, L-shaped former combination barn³, with cow housing, threshing bay and storage space for hay or crops. The building is 18th century, or possibly late 17th century in date. The cart entrance has a dressed stone surround and to the right of this was a pair of single-light domestic window surrounds of 16th or 17th century date which had been infilled.
12. In the centre of the site are 'Buildings 3 and 4', considered to be curtilage listed. Building 4 was originally a large, six bay structure. Likely dating from 1800 or the early 19th century, it had a cattle shed at one end, and a threshing bay and crop storage at the other end. Building 3 was added in about 1900 for the over-wintering of livestock and suggests the expansion of dairy farming in the 19th century. The barn had a central forking hole in one of the gable elevations and pigeon-nesting holes.
13. The significance and special interest of the buildings in relation to the appeal derives from their historic and architectural interest. The buildings represent a substantial 18th and 19th century mixed farm, located within the centre of a village of agricultural origin. Although arable farming was a significant part of the enterprise, buildings and animal housing added to the farmstead illustrate the increasing importance of dairy farming, and the wealth of the landowner who had the finances to invest. The attractive vernacular buildings constructed in local sandstone rubble, with slate roofs, and additional design features, reflect their architectural interest.

² List entry number: 1317595

³ List entry number: 1071872

Effect of works to the listed buildings

14. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification.
15. 'Building 1' has been raised by one course of stone, and an additional first floor has been inserted. Of great significance within this building was the survival of an almost intact roof structure in oak, the re-use of timber from a cruck-framed structure, and trusses numbered with Roman numerals. However, three tie beams, 4, 5 and 6 have been removed and used as purlins, and because of the introduction of the first floor, timbers are now in part hidden within walls and the ceiling, with little understanding of their previous structure and the original internal dimensions of the building.
16. Roof rafters have been described by the appellant as being in poor condition and needing to be replaced, but there is no report on the structure of the rafters within the evidence that justifies their replacement. Whilst reference is made to timber from the roof being reclaimed and re-used elsewhere in the construction, there is no evidence of where this has taken place.
17. On the front elevation, pattress plates have been inserted, which the appellant states are to increase structural stability, although there is no report detailing their need and why they are so positioned. Indeed, I saw that some of them have been insensitively located on the quoins of the large opening of the barn. Additionally, drainage down pipes have been placed on the centre of the front elevation of the building, which interrupts the plain façade.
18. The proposed wooden doors to the front have been excluded as the appellant states they would interfere with the pattress plates and be a safety risk as they would reduce the width of the pavement. However, there is no submitted evidence or highway objection that I have been presented with that suggests this. A wooden door proposed for the side elevation, which was to minimise the effect of the large, glazed opening, has similarly been omitted. The loss of these features, and the introduction of an additional window on the front façade, diminishes the agricultural appearance of the building which contributes to its significance.
19. Ventilation slots provide a clear indication of a buildings previous function and are an important feature of historic agricultural buildings. However, the two irregular rows of ventilation slots on 'Building 1', which were to be recessed or glazed, have been filled in. Although the appellant refers to this as a means of ensuring the stability of the walls, or being too difficult to recess, I have seen no structural report or evidence of this. By not restoring them, they are difficult to locate and this harms the character of the building. Similarly, mullions, part of a blocked window of 16th or 17th century date on the front elevation, which it was intended to be re-instated, have been removed. These illustrated the historic development of the building and some of that evidence has now been lost.
20. 'Building 1' is likely the earliest farm building within the farmstead and, overlooking the village green, it is prominently sited within the village. The appellant has referred to the significance of the listed barn primarily being its external envelope,

with the interior secondary. They consider that the alterations are acceptable as it allows the building to have a sustainable use and secure future.

21. However, listed buildings are safeguarded for their inherent architectural and historic interest, which includes both internal features as well as the exterior of a building, both of which in this case have been affected by the works. Therefore, the interest does not rest only on what is visible from the public realm. In any case, the original permissions also allowed for a future use for the buildings. Instead, I find that the combination of the additions and alterations, particularly the treatment of the internal timbers, has harmed the significance of 'Building 1'.
22. The central barn, 'Buildings 3, 4 and 10', has also been raised in height with the introduction of an unauthorised second floor. This means that the rear roof of the building is now peppered with rooflights, with large, glazed window and door openings on the rear. Because of their size and departure from a vertical focus, the fenestration makes the building appear overly domestic in character.
23. Internally, this barn had five, imported, softwood, identical roof trusses, all of which were numbered. However, doors have been inserted on the line of the king post, and struts removed. As much of the timberwork is now incorporated into walls and ceilings, it is no longer possible to understand the former structure of the building and its spaces. This has diminished the historic character of the building. Similarly to 'Building 1', ventilation slots have not been revealed.
24. 'Building 7', which is attached to the farmhouse, was split-level at ground and first floor. It had a stone cross-wall separating the trap house from the stable, which contained four stalls. All the roof timbers were oak, with two trusses, both of principal rafter design, having whole-tree tie beams. However, the ground floor has been levelled with a concrete slab so that the previous split-level has not been retained. Furthermore, the wall that existed between the two, which provided evidence of the original plan form and the separation of the two functions, was previously demolished and has only partially been re-built.
25. Although the appellant states that the slab floor was laid on top of the existing surface to protect the historic fabric, there is no substantiated evidence of any construction details and no sections showing how this was undertaken. Whilst future purchasers requested the raising of the lower floor level, this was unauthorised and has resulted in the need to raise the height of the first-floor level. This has in turn removed the characteristic difference in height of the former hayloft with the adjoining space and has consequently led to the loss of this historic feature.
26. The appellant contends that the quality of the workmanship, the materials and finish have retained the historically important and significant elements of the buildings within the farmstead. However, I have found that whilst some of the works are of a high quality, many of the interventions, plus the failure to highlight and restore historic details within the buildings, has harmed their significance.

Significance and effect on CA

27. The site is within the CA. The significance of the CA, in relation to this appeal, is that the site is within the centre of the CA, overlooking the diamond shaped village green. It represents a highly visible group of buildings that reference the previous importance of agriculture to the village. Whilst Over Kellet is of medieval origin, the

village consists of attractive 17-19th century houses, some with associated barns. These are built in traditional materials and are largely vernacular in style. The CA is enhanced with areas of greenery and mature trees and surrounded by open fields.

28. Although occupying only a small part of the overall CA, I have found that the works would harm the buildings through the erosion of their historic and architectural significance. This results in some very limited harm to the CA. Consequently, the proposed works would not preserve or enhance the character or appearance of the CA.

Highway safety

29. The application sought to amend the existing access arrangements, and I saw that wooden gates had been set back 5 metres from the rear of the highway, and low stone walls built either side of the track. The access currently services the four dwellings that are part of the application, plus the farmhouse.
30. The width of the driveway at the front has not, however, changed, and there was good visibility from the entrance onto the adjacent road. A vehicle entering the site would clear the highway before having to open the gate. However, three of the dwellings, which are sizeable properties, are not occupied, and the proposal would generate a reasonable amount of traffic. Therefore, from the evidence before me, I am not persuaded that inserting gates and narrowing the access into the site, would not prevent the through flow of traffic. I therefore conclude that varying condition No 2 would have a detrimental effect on highway safety. It would not accord with Policy DM29 of the Lancaster District Local Plan 2020-2031, Part Two⁴, 2025 (LP) which requires development, amongst other things, to provide suitable and safe access to the highway network.

Public Benefits and Heritage Balance

31. Taking the above into account, I find that the consequences of varying condition No 2 in the way that has been sought, has failed to preserve the Grade II listed buildings within Old Hall Farm, and any features of special architectural or historic interest that they possess; and would harm the character or appearance of the CA.
32. I find that the harm to the listed buildings to be less than substantial and moderate in scale, whilst the harm to the CA, whilst also less than substantial, would be very limited in scale. Nevertheless, these harms to the significance of the designated heritage assets are of considerable importance and weight in the planning balance of these appeals.
33. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
34. The appellant has set out that the public benefits of the works are that the buildings will have a viable long-term use consistent with their conservation; provide and deliver new homes within a sustainable rural village to support existing facilities and services; and preserve the special character of the CA. They have

⁴ Development Management Development Plan Document

stated that the scheme as built has made better use of the space and increased viability because of the high costs of conversion.

35. However, there is no viability report submitted with the evidence that details that the approved scheme was no longer viable or attractive to new owners, including a need to create more space within the dwellings. Instead, the approved scheme provided a new use for the buildings and created four new homes which supported the village and local services and preserved the special character of the CA. Therefore, any benefits that have been set out by the appellant are private, and the public benefits could have been achieved by the scheme that was approved.
36. Consequently, I find that the public benefits from the works that have been undertaken are not sufficient to outweigh the considerable harm I have found to the significance of the designated heritage assets.
37. I therefore conclude that the consequences of varying condition No 2 to allow the works that have been undertaken have failed to preserve the grade II listed buildings at Old Hall Farm, and any features of architectural or historic interest that they possess and do not preserve or enhance the character or appearance of the CA. It would also conflict with LP policies DM29, DM37 and DM38 which in part and collectively, require proposals affecting listed buildings to conserve and enhance those elements which contribute to their significance, and require the preservation or enhancement of the character or appearance of a conservation area.

Other Matters

38. The appellant has brought to my attention the Over Kellett Conservation Area Appraisal, Draft September 2024, where a photograph of Old Hall Farm is referred to as 'sympathetic recent barn conversions'. However, this is a draft document, which the Council has said has not been formally adopted and has since been changed. I therefore give it little weight in the determination of these appeals.
39. The Parish Council considers that the proposals have enhanced the village, and the developer has retained the character of the historic buildings. They wish for a resolution so that more residents can move into the village. I accept that the buildings, which were previously in poor condition and no longer used, have been given a new use. However, I have found that the works harm the listed buildings.
40. The appellant has referred to aspects of the proposals being part of an approval in 2018⁵. However, the applications are to vary a scheme that was granted permission in 2021, and which has been implemented by the appellant. Therefore, the 2018 scheme is not relevant to my determination of this appeal.

Conclusion

41. For the above reasons, and having regard to all other matters raised, the proposal would fail to preserve the special architectural and historic interest of the listed buildings, and the character or appearance of the CA, contrary to the Act and the Framework. Furthermore, it would have a detrimental effect on highway safety. Consequently, the proposal would not be in accordance with the development plan.

⁵ Ref 18/00087/FUL and 18/00088/LBC

42. I therefore conclude that the appeals should be dismissed.

M J Francis

INSPECTOR