



Appeal Decision

Site visit made on 12 May 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: APP/E2340/F/25/3360061

Pine Garth Farm, Coal Pit Lane, Colne, Lancashire BB8 8NR

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
 - The appeal is made by Mr Gregory Whiteoak against a listed building enforcement notice (LBEN) issued by the Borough Council of Pendle.
 - The notice was issued on 16 January 2025.
 - The contravention of listed building control alleged in the notice is the removal of external wooden framed windows and replacement of those with UPVC windows, in a Grade II Listed Building known as Coal Pit Farmhouse and attached barn.
 - The requirement of the notice is to remove all UPVC windows and replace with wooden windows of the same style as present immediately prior to the installation of the UPVC windows.
 - The period for compliance with the requirements is three months.
 - The appeal is made on the grounds set out in section 39(1)(e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the LBEN be varied by the deletion from paragraph 6 of the word “three” and the substitution therefore with the word “six” as the time for compliance with the requirements. Subject to that variation the appeal is dismissed and the LBEN is upheld.

Preliminary Matters

2. At the site visit some concern was expressed that the correct plan identifying Pine Garth Farm, Coal Pit Lane, Colne, Lancashire BB8 8NR (“the building”) had not been attached to the LBEN. That does appear to be the case, but the building is correctly named and it is situated within the wider red line shown on the attached H.M. Land Registry Plan which was attached to the Notice. Consequently, it is clear to me that the Notice relates to Pine Garth Farm and not the attached barn which has also been converted to a dwelling. The appellant accepts this conclusion.

The appeal on ground (e)

3. The ground of appeal is that listed building consent ought to be granted for the works. The main issue is whether the works would preserve the Grade II listed building, Coal Pit Farm House and attached barn, and any of the features of special architectural or historic interest that it possesses.
4. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses. Policy ENV1

of the Local Plan for Pendle Core Strategy 2011-2030 Adopted 17 December 2015 (the CS) relates to protecting and enhancing the natural and historic environments. Heritage assets and their settings should be conserved and enhanced in a manner appropriate to their significance, stating specifically that proposals should ensure that the significance of any heritage asset is not harmed or lost without clear and convincing justification. Proposals should demonstrate an understanding of the significance of the historic environment.

5. The appeal building was first listed on 29 January 1988 and is described as a farmhouse and barn from the late eighteenth century constructed of coursed rubble stone and a slate roof with stone gutter corbels. It is two storeys with two light windows with square mullions. On the first floor there are a four light and three light similar mullioned windows. A plain doorway to the left with glazed porch. The barn to the left is under the same roof and projects forward.
6. The special architectural and historic interest of the appeal property lies in its integrity as a late eighteenth century house which at the time of listing possessed some of its original features, including external wall and roof materials and fenestration, including windows and stone mullions. The courts have held that when considering external alterations to listed buildings consideration should be given to whether the external appearance is materially affected and whether the exterior of the building can be seen from outside of it.
7. The UPVC frames facing the road are clearly visible from outside the property as a modern addition, incorporating modern materials, relatively wide glazing bars and a poor relationship with the historic stone mullion surrounds. The frames on the side and rear elevation are also visible from their immediate surroundings and, consequently, I am satisfied that the all of the frames the subject of the LBEN affect the external appearance the listed building.
8. The evidence presented shows that the previous frames windows were slender and overall had a more uniform appearance surrounding each pane. Of key significance with respect to the modern UPVC frames is that the opening mechanisms necessitate thicker frames and each of those opening frames betrays the appellant's attempt to integrate the modern frames in the historic building. The timber frames sat comfortably in the stone mullions and were far less dominant and visually prominent than the modern UPVC frames which contrast with the natural stone mullions in which they are set.
9. As set out above, the significance of the building is in its integrity as an eighteenth century farmhouse with distinguishing features including historically important stone mullions. The use of modern UPVC jars with the integrity of the building which previously had natural timber framed windows is at odds with its significance.
10. I have taken account of the appellant's opinion that the Notice is not concerned with the loss of historic fabric; only the use of UPVC rather than timber frames, but that should not detract from the key point set out in the Notice which is that the local planning authority considers the works have not conserved the building in a manner appropriate to its significance.
11. Given the above, I find that the matters the subject of the LBEN would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight. The Framework advises that when

considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. The harm caused by reason of the materials used is less than substantial in this instance but nevertheless of considerable importance and weight.

12. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works. The appellant has stated that the climate in the Pennines can be harsh and owners of rural buildings struggle to maintain them, especially when wooden windows are subject to rot and where the resulting cold and damp affects the interior of the building. It is argued that the appellant has fitted the UPVC windows for thermal efficiency purposes and because they require less maintenance. There is insufficient evidence before me that prior to the UPVC window frames being fitted the timber frames were rotten resulting in cold and damp conditions inside the building.
13. It is also stated that there are wider public benefits in terms of reduced carbon emissions, but no evidence has been submitted to support this assertion. UPVC does not last as long as well-maintained timber framed windows which can also be thermally efficient. The misconception regarding the efficiency and maintenance of UPVC frames is often cited in cases where UPVC has been used on historic buildings, but in terms of the overall balance of this case, it holds little weight. In any case it seems to be that in this case these are private benefits for the occupants of the property rather than public benefits.
14. I have considered the evidence submitted by the appellant, including previous appeal decisions, but with respect to the decision dated 31 January 2022 for 4 Bacup Road, Rawtenstall (Reference APP/B2355/X/21/3283404), the circumstances are materially different in that the current appeal relates to a Grade II listed building and that case related to a lawful development certificate for a building in a Conservation Area. Furthermore, the Market Raisen appeal decision dated 6 February 2020 (Reference APP/N2535/Y/19/3232528) is also materially different to the case before me. Appeals such as the one the subject of this decision very much fall on the specific circumstances of the appeal site and the details of the works that have been carried out to designated heritage assets.
15. Therefore, taking account of the evidence submitted I conclude that the works fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, the Framework and conflict with Policy ENV1 of the CS.

The appeal on ground (h)

16. The ground of appeal is that the period specified in the notice as the period within which any steps required by the notice is to be taken falls short of what should reasonably be allowed. Three months is a tight timescale to remove all UPVC windows and replace them with wooden windows of the same style as present immediately prior to the installation of the UPVC windows. The 24 month compliance period suggested by the appellant would be excessive having regard to the ongoing harm caused by the works. The appellant has stated that the cost of replacing the window frames would be considerable and also that the length of time they have been present should be considered.

17. I consider the period should be extended to enable the appellant to carry out the requirements in a reasonable timescale and in that respect, I consider six months would strike an appropriate balance and would not place a disproportionate burden on the appellant. To this limited extent the, the appeal on ground (h) succeeds.

A A Phillips

INSPECTOR