

DATE INSPECTED:

**TELEPHONE CALLS: YES / NO
DATE:**

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - APPROVAL

Ref: AD

Application No:	3/2013/0029/P (PA)
Development Proposed:	Rebuild a collapsed barn at Hesketh End Farm Judd Holmes Lane Chipping

CONSULTATIONS: Parish/Town Council

Parish Council - No representations received.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Historic amenity societies – SPAB object to the current proposals and comment:

Barn forms part of the Grade II group and is adjacent to the Grade I house.

This application raises serious conservation questions, not least of which is the validity of such a reconstruction following such major demolition to a heritage asset. Shocking to see how little of the building is left, and how thoroughly the rubble has been cleared away. SPAB hope that this case will be examined carefully within your council at the highest level to avoid such a situation arising again in the future.

SPAB acknowledge the group value of the farm buildings, and are satisfied that the context of the group should be maintained if at all possible. However, very uncomfortable with the proposed approach to rebuilding, as this is effectively producing a 'fake'. SPAB therefore object to the current proposals and urge the applicant to reconsider their approach to this building.

Authenticity is to be valued highly, and enclosing a steel frame and blockwork walls with a random rubble cladding is far from being a traditional approach to building, and should be discouraged. No structural or technical merit in this approach, as the stone walls can be built of sufficient thickness to support a basic timber roof truss, as they were in the first instance. The wall survives in enough extent in places to give a good guide as to the thickness, and there should be ample stone from what was used originally to achieve effective results.

Advisable to have an archaeologist on hand to help identify particular stones and give guidance as to their probable position. Equally, it would be a useful exercise to find as many old photographs of the area as possible to give a guide to openings, doorways, quoinstones etc.

An experienced conservation-minded stonemason should be employed who is comfortable working with lime mortar.

English Heritage – Do not wish to offer any comments on this occasion. Recommend that application be determined in accordance with national and local policy guidance, and on basis of RVBC specialist conservation advice.

Environment Agency – although the development is within 20m of a watercourse, it is an ordinary watercourse which flows in culvert to the east of the barn. The culvert does not appear to be located below the barn and the reconstruction of the building will not have any impacts upon the watercourse.

CONSULTATIONS: Additional Representations

No representations have been received.

RELEVANT POLICIES:

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF.

HEPPG.

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy ENV1 – Forest of Bowland AONB

Core Strategy Regulation 22 Submission Draft:

Policy DMG1 – General Considerations.

Policy DME4 – Protecting Heritage Assets.

Policy DMB1 - Supporting Business Growth and the Local Economy

Policy DMG2 - Strategic Considerations

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Hesketh End is a Grade I listed (29 December 1952) house of 1591 and early C17, restored 1907 (list description). It is adjoined to the north by a Grade II listed barn of c.1800 (29 December 1952). The latter is faced by a range of stone farm buildings.

Views from the house to the north (between the two ranges) are closed by the ruined barn. Together the historic buildings form an important and harmonic ensemble in an unusual upland courtyard arrangement.

A number of public rights of way converge on the site including FP 21 which passes between the ranges and barn. The site is within the Forest of Bowland Area of Outstanding Natural Beauty.

Site History

Pre-application advice was sought in respect of the principle of rebuilding and the need for planning permission. This followed a complaint to the Borough Council concerning the demolition works and its investigation – input was received from English Heritage and Lancashire County Council Archaeology.

Lancashire County Council Archaeology:

'Although the barn may well have collapsed whilst being repaired it does appear that a very efficient clear-up operation has been put in place. As for any proposed rebuild, what information will that be based on (do they have photographs of the building?) and will any original elements of the structure be re-incorporated into the new structure or are new copies to be made?

This is a building that LCAS would undoubtedly have wished to be recorded prior to any conversion, I am assuming it will be rebuilt as a domestic dwelling. As you pointed out, it did form part of an interesting courtyard arrangement'.

English Heritage:

EH (Legal) believe that it is unlikely that the barn would have been part of the listing; however, this is for RVBC and the courts to decide. A strongly worded letter should be sent to the owners including advice that any proposed replacement building will be very closely scrutinised.

3/2007/0246 – Replace caravan with dwelling for farm worker. Supercedes approval of outline planning permission. PP granted 14 May 2007.

3/2004/1132 – Replace caravan with dwelling for farm worker. Outline PP granted 20 October 2006.

3/2002/0963 – STATIONING OF CARAVAN FOR OCCUPATION BY FARM WORKER. Outline PP granted 19 January 2003.

3/2002/0422 – OUTLINE APPLICATION FOR ERECTION OF A FARM WORKER'S DWELLING. Refused 12 September 2002.

3/1999/0569 – PROPOSED EXTENSION TO EXISTING STOCK BUILDING. PP approved 7 September 1999.

3/1993/0118 – LIVESTOCK BUILDINGS AND SLURRY STORE. PP granted 27 April 1993.

Relevant legislation, policy and guidance

Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In this Act 'listed building' means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act –

- (a) any object or structure fixed to the building;*
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,*

shall be treated as part of the building'.

This has been subject of much legal interpretation including ***R v Taunton Deane Borough Council (2008) All ER (D) (Oct)***.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have **special regard** to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The implications of this section have recently been examined in ***East Northamptonshire*** where Mrs Justice Lang considered desirability to imply a '*sought-after objective*' (paragraph 45) and in respect to the planning balance:

*"in my judgement, in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to the 'desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other material considerations which have not been given this special statutory status. Thus, where the section 66(1) duty is in play, it is necessary to qualify Lord Hoffmann's statement in *Tesco Stores v. Secretary of State for the Environment & Ors [1995] 1 WLR 759, at 780F-H, that the weight to be given to a material consideration was a question of planning judgement for the planning authority*" (paragraph 39).*

The NPPF is particularly relevant at paragraph 6, 7, 8, 9, 14, 17, 18-19, 28, 56-57, 60-61, 64, 115, 126, 128-132, 134-137, 186-192, 215-216 and the definition of 'conservation' in Annex

2.

The HEPPG is particularly relevant at paragraph 113-122, 142, 147-154, 158-171, 179 – 182 and 185-187.

The Ribble Valley Districtwide Local Plan (June 1998) is particularly relevant at Policy ENV19, G1(a) and ENV1.

The Ribble Valley Regulation 22 Submission Draft Core Strategy is particularly relevant at Policies DMG1, DMB1, DMG2 and DME4.

'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

Restoration principles are discussed at paragraph 126 ff.

'Constructive Conservation in Practice' (English Heritage, 2008) states "*Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change. The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment ... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance*".

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets' (4.5).

'The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance ... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result. Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with PPS 5 policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing views of a building' (Change over Time).

'where a development in the setting of a heritage asset is designed to be distinctive or dominant and, as a result, it causes harm to the asset's significance, there will need to be justification for that harm' (Setting and Urban Design)

'many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a

park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary' (2.5).

'intentional inter-visibility between heritage assets, or between heritage assets and natural features, can make a particularly important contribution to significance. Some assets, whether contemporaneous or otherwise, were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons' (Views and Setting);

English Heritage publications 'Living Buildings in a Living Landscape' (July 2006), 'The Maintenance and Repair of Traditional Farm Buildings: A Guide to Good Practice' (September 2011), 'The Conversion of Traditional Farm Buildings: A Guide to Good Practice' (October 2006) and 'Historic Farmsteads Preliminary Character Statement: North West Region' (August 2006) 'are relevant.

'The Maintenance and Repair of Traditional Farm Buildings: A Guide to Good Practice' (September 2011) states:

'Significance: Significant traditional farmsteads will make a positive contribution to local distinctiveness and an area's sense of place, through their varied scales and layouts, use of materials and the way that they relate to the surrounding form and patterning of landscape and settlement. They will have one or more of the following:

- Historic groups of structures that contribute to the landscapes and settlements within which they developed.*
- Legible historic groups, where the buildings can be seen and appreciated in relationship to each other, and the yards and other open spaces within and around the farmstead.*
- Historic buildings with minimal change to their traditional form, or in some cases their importance as examples of estate or industrial architecture.*
- Locally distinctive building materials.*
- Heritage assets – buildings that are listed or subject to another form of designation such as those within conservation areas ...*

Construction Materials : The wide range of materials used in farm buildings is one of the keys to local distinctiveness and sense of place. As well as reflecting England's great geological diversity it owes much to different regional building traditions, degrees of wealth, access to transport links and the way in which local timber and other resources were managed. The resulting variety in traditional walling and roofing materials and forms of construction often survived much longer on working farm buildings than farmhouses.

Awareness of these regional variations in the use of materials and construction methods is fundamental to achieving a successful repair. For instance ...

- Constructional details such as masonry bonding styles, plastering, jointing types and structural layout all differed between regions*

A fundamental characteristic of traditional construction is its 'breathability' and flexibility...

After the Second World War cemented concrete block-work laid on substantial foundations and with damp-proof courses rapidly replaced traditional walling materials for farm buildings

...

Building Materials : Stone dominates the stock of farm buildings in many parts of the country, its use sometimes reflecting the status of the farm and its owner. Because each kind of stone

has its own special properties, masons learnt to shape and bond the material in locally distinctive styles ...

Principles of Repair : Retain as much original material as possible : The replacement of historic components and features can undermine the historic value and authenticity of a building.

Principles of Repair : Minimise changes : Altering features that give the building its historic or architectural importance should be avoided. If significant features have already been lost, there may be a case for reinstatement providing that there is good evidence for their former existence'.

'Historic Farmsteads Preliminary Character Statement: North West Region' (EH, August 2006) states:

Mass-walling: Mass-walled buildings now dominate the traditional farm building stock, almost exclusively so in the three northern regions. Stone and brick display a wide variety of treatment, their use reflecting not only the availability of materials but also the status of the farm and its owner (page 19) ...

By the 19th century, some distinctive masonry styles had developed, such as the use of watershot masonry where the outer face is tilted to throw water off the walls (page 21) ...

Courtyard plans are generally associated with the lowland parts of the Region (page 45) ...

Linear plans are found throughout the Region, being uncommon in the Lancashire and Cheshire lowlands and predominant in many upland areas (page 47) ...

The Inspector's recent consideration (APP/T2350/A/12/2174422, Cherry Hall, Grindleton) of the Forest of Bowland AONB as an acknowledged heritage asset (paragraph 12) is noted (see also NPPF paragraph 115).

Submitted information

A brief design and access statement has been submitted which provides limited discussion of the significance of the demolished barn and its site [including omission of reference to the implications of section 1(5) of the Planning (Listed Buildings and Conservation) Areas Act 1990] or restoration philosophies. This does not appear to meet the 'proportional' or 'minimum' information requirements of NPPF paragraph 128 and makes consideration of the authenticity and validity of the proposed rebuild (as referred to by EH and LCC in complaint investigation) difficult.

Conclusions

I would concur with SPAB (and EH opinion at time of barn demolition) that restoration of the distinct historic steading courtyard design is desirable in order to safeguard the significance of the setting of the Grade I and Grade II listed buildings. However, the proposal is neither harmonious and authentic re-build nor modern addition of architectural quality befitting location. The proposal thus conflicts with the restoration principles at HEPPG paragraph 158-162 and setting considerations at paragraph 113-122 which apply to both listed and unlisted heritage assets.

HEPPG paragraph 159 advises that new work should be distinguished '*by discreet dating or other subtle means. Overt methods of distinction, such as tooling of stonework, setting back a new face from the old, or other similar techniques, are unlikely to be sympathetic*'.

HEPPG paragraph 160 and 'Conservation Principles' paragraph 126 state that *'restoration is likely to be acceptable if:*

... the work proposed is justified by compelling evidence of the evolution of the heritage asset, and is executed in accordance with that evidence ... the work proposed respects previous forms of the heritage asset'.

HEPPG paragraph 162 states *'in determining whether restoration is appropriate following catastrophic damage ... where the significance relates to a design concept ... restoration or replication is more likely to be acceptable'.*

HEPPG paragraph 165 states *'replacement of one material by another ... may result in a loss of significance and will in those cases need clear justification'.*

'Conservation Principles' paragraph 128 states *'The concept of authenticity demands that proposals for restoration always require particularly careful justification. Reinstating damaged elements of work directly created by the hand of an artist normally runs counter to the idea of authenticity and integrity. However, the reinstatement of damaged architectural or landscape features in accordance with an historic design evidenced by the fabric of a place may not do so, if the design itself was the artistic creation, intended to be constructed by others, and the necessary materials and skills are available'.*

'Conservation Principles' paragraph 131 states *'The nature of the work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence ... Evidence of the evolution of the place, and particularly of the phase to which restoration is proposed, should be drawn from all available sources – from study of the fabric of the place itself (the primary record of its evolution), any documentation of the original design and construction process, and subsequent archival sources, including records of previous interventions. The results of this research and the reasoned conclusions drawn from it should be clearly set out.*

'Conservation Principles' paragraph 132 states *'Speculative or generalised re-creation should not be presented as an authentic part of a place: the criteria for new work should apply to its design'.*

'Conservation Principles' paragraph 135 states *'Retaining gutted shells as monuments is not likely, in most cases, to be an effective means of conserving surviving fabric, especially internal fabric never intended to withstand weathering; nor is this approach likely to be economically sustainable. In such cases, it is appropriate to restore to the extent that the evidence allows, and thereafter to apply the policy for new work (paragraph 138)'.*

I am also mindful that the NPPF requires a positive approach to conservation of the historic environment and design. The NPPF advocates sustainable development, requires the Borough Council to consider opportunities for the sustaining and enhancement of the historic environment (eg. Annex 2 definition of 'conservation', paragraph 126 and paragraph 131) and requires of design that it reinforces local distinctiveness (paragraph 60) and integrates with the historic environment (paragraph 61). Paragraph 137 requires in the consideration of new development that local planning authorities look for opportunities to enhance or better reveal the significance of heritage assets.

NPPF paragraph 187 requires that *'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible'.* In my opinion, the proposal will only have an acceptable impact upon the setting of the listed buildings and will only sustain the

significance of the historic farm building group if reconstruction is authentic.

Referral under s.13 of the Act is recommended given uncertainty in respect to the barn's status [s.1(5) of the Act] and in order for consideration of whether conditions adequately assuage the concerns of the Society for the Protection of Ancient Buildings and meet the scrutiny of rebuild proposals required by English Heritage at pre-application.

SUMMARY OF REASONS FOR APPROVAL:

The proposal, subject of amendment by condition, has an acceptable impact upon the character, setting and significance of the listed buildings. ENV19, NPPF paragraph 131, 132 and 137 and DME4.

RECOMMENDATION: That planning permission be granted subject to conditions.