

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - APPROVAL

Ref: AD/CMS

Application No:

3/2015/0273/P

Development Proposed:

Repointing the east and west elevations with a non-hydraulic lime at Town Farmhouse, Main Street, Pendleton

CONSULTATIONS: Parish/Town Council

Parish Council - No objections to this proposal. No comments or observations received.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Historic Amenities Societies – Consulted.

Environment Directorate (County Surveyor) - No objections. No observations received.

Environment Agency - No objections subject to certain technical requirements.

CONSULTATIONS: Additional Representations.

No representations have been received.

RELEVANT POLICIES:

Planning (Listed Buildings in Conservation Areas) Act 1990.

NPPF.

NPPG.

HEPPG (subject to revision).

Ribble Valley Core Strategy (Adopted Version)

Policy DME4 – Protecting Heritage Assets.

Policy DMG1 – General Considerations.

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

Town Farmhouse is a Grade II listed (13 February 1967) house of the late C18 prominently sited (in an elevated location above Main Street) in Pendleton Conservation Area. It has a relatively 'polite' appearance from the front (list description refers to 'sandstone ashlar', 'double-pile plan', 'symmetrical composition' and 'doorway has Tuscan pilasters, a broken fluted entablature, and a semi-circular fanlight with radiating glazing bars under an open pediment'). The house is within the setting of 'Pair of Gatepiers on roadside, south of Town Farmhouse', Spring House Farmhouse and barn adjoining to the west', 'Pair of gatepiers on drive, approximately 30m north of Town Head' and 'Dickinson Farmhouse and barn adjoining to north-east' (all Grade II listed). The farmstead appears to include a former pigstie with hen loft.

The Pendleton Conservation Area Appraisal (The Conservation Studio consultants 2005; subject to public consultation) identifies:

Nearby buildings to be Buildings of Townscape Merit 9 (Townscape Appraisal Map);

"Prevalent use of local stone as a building material; Architectural and historic interest of the conservation area's buildings, including 12 listed buildings" (Summary of special interest);

"The agrarian origins of the village are still very evident in its buildings. Farmhouses and

small cottages, stables, barns and shippens face the street, some abutting directly on the roadway, others set back behind gardens or placed at an angle to the street. The total effect is of a harmonious grouping" (General character and plan form);

"Landscape setting is an important part of the special interest of the conservation area ... To the west of the entrance to Town Farm, the open fields extend right up to the roadside" (Key views and vistas);

"A scatter of other buildings, of which Town Head and Town Farm, with classical 18th century pilasters and pedimented doorways are listed grade II, complete the conservation area at the eastern end of the settlement" (Architectural and historic character);

"Boundary walls and gate piers built with local stone. Two pairs of 18th century classical gate piers are listed grade II (at the entrance to Townhead and Town Farmhouse)" (Local details and features);

"Insensitive alterations to historic buildings spoiling the conservation area's strong historic character and appearance" (Weaknesses: the principle negative features of the conservation area);

"Continuing loss of original architectural details and use of inappropriate modern materials or details ... Many of the unlisted, and some of the listed, buildings in the conservation have been adversely affected by the use of inappropriate modern materials or details. Common faults include: inappropriate pointing of stone work" (Threats to the conservation area);

Relevant Planning History

No pre-application advice has been sought in respect of the proposed works.

Legislation, policy, guidance and information

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the 'General duty as respects listed buildings in exercise of planning functions', 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.

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - the Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as '*a paramount consideration*' and '*the first consideration for a decision maker*'.

The Governance and Legal Director of English Heritage ('Legal Developments: The Big Issue of Little Harm' Conservation Bulletin Issue 73: Winter 2014) states in respect to (any level of) harm to a listed building:

*“The Lyveden case reaffirmed that this means the conservation of a listed building should be afforded ‘considerable weight and importance’ ... with the ‘great weight’ of paragraph 132 and you should appreciate that minor harm does not mean merely a minor concern ... **Any harm** is to be given ‘great weight’ whether it is serious, substantial, moderate, minor or less than substantial ... **every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits** ... Minor harm to a heritage asset can add up to major and irreversible damage. It is obviously right that planning decisions reflect on this threat each and every time”.*

In respect to the Lyveden Court of Appeal decision, Gordon Nardell QC and Justine Thornton (‘Turbines, heritage assets and merits’, Local Government Lawyer, 24 April 2014) state:

“the key point is that once a decision-maker finds harm (to setting), there must be some express acknowledgement of the ‘considerable’ weight to be given, in the balance, to the desirability of avoiding that harm. It is not enough to ask in a general sense whether benefits outweigh harm, but whether they do so sufficiently to rebut the strong presumption against permission”.

Consideration of ‘less than substantial harm’ is made in the Secretary of State’s decision on Lane Head Farm, Cumbria (recovered appeal; decision 16 April 2014; paragraph 11) and Bythorn and Molesworth, Cambridgeshire (recovered appeal; decision 3 December 2014; paragraph 29): *“having regard to the judgment in the Barnwell Manor case, the Secretary of State takes the view that it does not follow that if the harm to heritage assets is found to be less than substantial, then the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1). He therefore sees a need to give considerable weight to the desirability of preserving the setting of all listed buildings”.*

Robin Purchas’ QC recent judgement in **North Norfolk** is also noted *“inspector’s approach seems to me at this level to have balanced the relative harm and benefit as a matter of straightforward planning judgement without that special regard required under the statute”* (paragraph 73).

J. Lindblom’s recent judgment in **Forge Field** (12 June 2014) is also noted where it was held that having “special regard” or paying “special attention” involved more than merely giving weight to those matters in the planning balance: “preserving” in the context of s.66(1) and s.72(1) meant doing no harm. There was a strong statutory presumption against granting planning permission for any development which would fail to preserve a listed building’s setting or a conservation area’s character or appearance. A local authority was not allowed to treat the desirability of preserving those elements as mere material considerations to which it could simply attach such weight as it saw fit; when a local authority found that a proposed development would harm a listed building’s setting or a conservation area’s character and appearance, it had to give that harm considerable importance and weight.

Paragraph 49 of the **Forge Field** judgment states *“an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering”.* The **South Lakeland (2014)** judgment also states *“paragraph 134 is something of a trap for the unwary if read – and applied – in isolation”* (paragraph 53).

The Ribble Valley Core Strategy is particularly relevant at Policy DME4 and DMG1.

The NPPF is particularly relevant at paragraph 6, 7, 8, 9, 14, 17, 126, 128 -134, 137 – 138,

186 - 190, 192, 196 -197 and Annex 2.

The NPPG (6 March 2014) is particularly relevant in stating:

Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

*building forms;
details and materials;
style and vernacular.*

The HEPPG - this is under review and in large respect has been replaced by Heritage England Advice PN2 and PN3. However, replacement advice for Part 6: Making Changes to Heritage Assets has not yet been published or consulted upon in draft. HEPPG is particularly relevant at paragraph 147-151, 152 and 179

HEPPG paragraph 179 states *“the fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new”*.

HEPPG paragraph 149 states *“Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste”*.

HEPPG paragraph 150 states *“Even when undertaking repair, care is needed to maintain the integrity of the asset. Some repair techniques, such as the use of cement-based mortars in place of softer lime, will affect the integrity of the existing building and cause permanent damage to the historic fabric, as well as being visually unsympathetic. Repointing of historic mortar will normally leave the significance of the asset unaffected, provided the original mix and appearance is copied but care is often needed not to affect subtle changes in pointing”*.

HEPPG paragraph 151 states *“The removal of hard renders may cause more damage to the significance of the building than retention”*.

HEPPG paragraph 164 states *“Where it is proposed to remove more modern coverings that are harmful to the significance or the integrity of the building, appropriate materials will need to be introduced to ensure an authentic and/or suitably detailed finish is achieved, for example using mock jointing, or lining out, where there is evidence of the original finish. If there is any doubt as to the authentic finish, it is better to create a simple finish rather than one with speculative decoration”*.

Heritage England ‘Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking’ (25 March 2015) states:

“Substantial harm is a high test which may not arise in many cases (paragraph 27).

The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the

asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies” (paragraph 28).

‘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”.

‘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.

“Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion” (Paragraph 91).

“Repair necessary to sustain the heritage values of a significant place is normally desirable if:

- a. there is sufficient information comprehensively to understand the impacts of the proposals on the significance of the place;*
- b. the long term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future and*
- c. the proposals are designed to avoid or minimise harm, if actions necessary to sustain particular heritage values tend to conflict” (Paragraph 117).*

“It is important to look beyond the immediate need for action, to understand the reasons for the need for repair and plan for the long-term consequences of inevitable change and decay. While sufficient work should be undertaken to achieve a lasting repair, the extent of the repair should normally be limited to what is reasonably necessary to make failing elements sound and capable of continuing to fulfil their intended functions” (Paragraph 118).

“The use of materials or techniques with a lifespan that is predictable from past performance, and which are close matches for those being repaired or replaced, tends to carry a low risk of future harm or premature failure. By contrast, the longer term effects of using materials or techniques that are innovative and relatively untested are much less certain” (Paragraph 119).

The Pendleton Conservation Area Management Guidance (The Conservation Studio consultants 2005; subject to public consultation) identifies:

Pointing: The primary feature of a wall is the building material itself and the pointing should normally be visually subservient to it. In general, pointing that speaks louder than the walling material is inappropriate. Repointing should usually be no more than a repair - a repeat of the existing mix and appearance - except where the mix is inappropriate or damaging.

Repointing of historic stone walls should be carried out using lime based mortar, which is compatible with the strength, porosity and texture of the stone and a close match to the original mortar. As a general principle, the mortar should be slightly weaker than the stone to allow the wall to 'breathe' and for moisture to evaporate through the joints and to discourage excessive moisture loss through the face of the stone – which would speed up the rate of decay.

Any change in the character of the pointing can be visually and physically damaging. Historic pointing may survive wholly or in part and this should be preserved. Mechanical cutters should not be used to cut out old mortar because it makes the joints unacceptably wide, and may score the masonry.

'Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings' (EH, 2011) states:

"Where walls need to transpire, new materials intended to form barriers to unwanted moisture or water vapour can impede the very processes which help a historic wall to survive in good condition.

Commonplace examples include:

- hard cement mortar pointing which catches rainwater and diverts it into a wall, by-passing the overcoat effect*
- hard external rendering, intended to keep the rain out, which also stops moisture evaporating and causes the wall to become damper; when cracked, it also traps rainwater, making things even worse*
- modern impervious paints, which cause previously sound plaster to break down because rising and penetrating damp can no longer evaporate*
- other impervious materials applied internally that cause moisture to accumulate, in turn leading to decay of embedded materials (such as timber) which are hidden from sight until deterioration has become severe. The impervious layers can lead to a build-up of salts in the underlying substrate. The salts then crystallise and rupture the original construction".*

'The Need for Old Buildings to Breathe' (Philip Hughes, SPAB, 1993) states:

"modern buildings will be damp without a barrier to moisture because the economy of design does not provide a massive and absorbent structure, but old buildings will become damp if an impervious layer is applied to them because this prevents water within the structure from evaporating ... as the moisture content of the wall increases, the likelihood of decay also increases. Timbers quickly succumb to wet or dry rot attack because their moisture content is too high. Timbers often occur in solid masonry walls in the form of lintels, spreaders for beam or joist ends, as bonding timbers or as fixing blocks

... Remedial action should ideally involve the removal of any impervious materials and their replacement with porous ones. This is not always possible without doing further damage to the fabric of the building and compromise may be necessary.

... Cement pointing should be cut out but sometimes it adheres so well that its removal will damage the surrounding masonry. In these circumstances, it is usually best to leave what

cannot be removed easily and to patch point with a lime based mortar

... Cement renders can sometimes be removed after working over the surface thoroughly with a hammer to fracture the render into small units. Levering off large sheets of render will cause severe damage to soft underlying materials. Where a render is so hard that it does not respond, it is probably best to leave it to age naturally. Rendering should be in a lime or a very weak cement/lime mix”.

‘The Control of Damp in Old Buildings’ (Andrew Thomas, SPAB, 1992) states “first try stopping sources of damp by ventilation, opening up redundant flues, repointing if necessary, lowering the water table”.

‘Matching Mortars for Pointing’ (Claire Davies, The Building Conservation Directory, 2012) states:

“Replacement and repair mortars should be as similar as possible to existing or surrounding mortars in chemical composition and physical appearance; this ensures the best material compatibility and visual continuity, and it encourages similar weathering. However, exceptions must be made where that means reinstating a poor or unsuitable mortar

... the choice of aggregate not only provides much of the visual character of a mortar

... Locally sourced aggregates often provide the best geological and visual match

... The process of matching a mortar begins with simple visual analysis of a sample of original mortar, if possible, in situ”.

SPAB Technical Q&A 11: Repointing (SPAB website) states:

“The routine use of weather-struck cement pointing in old buildings is a common mistake. Not only is it disfiguring, but it leads, more seriously, to faster deterioration of bricks and stones as they become the most permeable part of the wall and suffer the greatest frost and salt action. Removal should only be attempted if a trial indicates this can be achieved without further damage. Otherwise, the pointing is best left to work loose”.

Submitted Information

The submitted information is contradictory in respect to the type of lime mortar to be used (non-hydraulic in development description; hydraulic in Heritage Statement).

The Design & Access Statement justifies works to “prevent lateral water movement through the solid walls and to prevent further damage to historic sand stone”. The Heritage Statement also identifies that “the cement rich mortar pointing is inconsistent with the surrounding properties in the village”.

The Design & Access Statement refers to proposed “hack out” of existing mortar.

Conclusions

The application does not relate to the rear elevation which is of similar stone and cement pointing to the east and west gables.

In my opinion, the proposed removal of cement pointing to alleviate damp problems and damage to historic fabric is acceptable in principle. However and mindful of the possibility of

greater damage to historic fabric from the removal of well-adhered cement pointing, the conditioning of a trial area/sample panel and works methodology will be necessary.

Therefore, in attaching considerable importance and weight to the statutory duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (keeping the listed building, its setting and its features of architectural and historic interest and the character and appearance of Pendleton Conservation Area free from harm), in giving great weight to conservation and with regard to Core Strategy Policy DME4, I recommend that listed building consent be granted subject to conditions.

RECOMMENDATION: That listed building consent be granted subject to conditions.