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## Appeal Decisions

Site visit made on 5 January 2016

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 February 2016**

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### **Appeal A: APP/T2350/W/15/3135886**

#### **Wolfen Hall, Chipping, Preston, Lancashire PR3 2NZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Len Morris against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2015/0517, dated 10 June 2015, was refused by notice dated 5 August 2015.
  - The development proposed is a rear extension and formation of garden from rough land.
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### **Appeal B: APP/T2350/Y/15/3135889**

#### **Wolfen Hall, Chipping, Preston, Lancashire PR3 2NZ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Len Morris against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2015/0518, dated 1 June 2015, was refused by notice dated 10 September 2015.
  - The works proposed are a rear extension and formation of rear garden.
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## **Decision**

### APPEAL A

1. The appeal is allowed and planning permission is granted for a rear extension and formation of garden from rough land at Wolfen Hall, Chipping, Preston, Lancashire PR3 2NZ in accordance with the terms of the application, Ref 3/2015/0517, dated 10 June 2015, subject to the conditions set out in the schedule at the end of this decision.

### APPEAL B

2. The appeal is allowed and listed building consent is granted for a rear extension and formation of rear garden at Wolfen Hall, Chipping, Preston, Lancashire PR3 2NZ in accordance with the terms of the application Ref 3/2015/0518 dated 1 June 2015, subject to the conditions set out in the schedule at the end of this decision.

## **Preliminary Matters**

3. Drawing 4343-06A does not show a proposed doorway on the rear elevation where a window is currently situated. As the doorway is shown on drawing
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4343-03AB as well as drawing 4343-09A I am satisfied that this is the result of a drafting error. I have determined the appeal on this basis.

4. The Council has drawn my attention to a number of appeal decisions: APP/T2350/A/12/2174422; APP/T2350/A/13/2193965; APP/T2350/E/08/2072213 & APP/T2350/A/08/2070516. Whilst I have paid careful attention to these decisions and recognise some similarities, I do not find the circumstances similar in all respects. This is because they were not modest extensions to listed buildings where the special historical interest was principally internal. In any event, I do not have the same information that was before the other Inspectors and whilst a material consideration, their decisions do not set legal precedent<sup>1</sup>. I am also aware of a recent successful appeal on this site for a front, stone porch that has since been constructed (Ref APP/T2350/E/14/2213092). This also differs significantly from the current proposal. Consequently, this appeal has been determined on its individual merits.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard should be had to the desirability of preserving listed buildings. Great weight should be given to their conservation and any harm caused through any alteration or development within their setting. This is the basis on which this appeal has been determined.

### **Main Issues**

6. The main issues are:
  - i) whether the proposal would preserve the special architectural and historic interest of a Grade II listed building, Wolfen Hall; and
  - ii) conserve and enhance the natural beauty of the Forest of Bowland AONB.

### **Reasons**

7. The Forest of Bowland Area of Outstanding Natural Beauty (AONB) covers an area of approximately 803 km<sup>2</sup> of rural land that spans the counties of Lancashire and North Yorkshire. It lacks large settlements and has an extensive upland core that reaches a height of around 561m. The grandeur and isolation of this core area with its steep moorland escarpments that descend into undulating lowlands help to define the special qualities of the AONB. This is also defined by, among other things, the landscape's historic and cultural associations. The prominent position of the appeal property and the role that it has played in shaping the landscape of the estate are such that it has a strong cultural association with the natural beauty of the surrounding landscape that therefore directly supports the special qualities of the AONB.
8. Wolfen Hall was listed in 1983 and originates from the 16<sup>th</sup> century. The building is constructed from coursed rubble and has a slate roof. Unornamented, plain stone characterises the surrounds and reveals. Extensive remodelling occurred between 1867-1868 when a subservient addition extended the main building to the north east. A further single storey extension, running perpendicular to the main range, was then added to this part of the property in the late 19<sup>th</sup> century. The heterogeneity of the building line and roof height of the front elevation differs from the rear elevation which

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<sup>1</sup> Chelmsford BC v SSE and E R Alexander Ltd [1985] JPL 316

has a more uniform appearance. This has resulted from the addition of a second range at some undefined point after the original dwelling was constructed. A number of internal features of historic and architectural significance are present which are associated with the south western section of the property. Consequently, the building derives its significance primarily from its internal features and the legibility of its phased, historical development.

9. The proposal would result in a single storey addition to the later perpendicular extension which would project approximately 6m from its gable end. A doorway similar to the existing one on the rear elevation would be inserted into the earlier fabric of the rear range. This would lead to the loss of a ground floor window and its opening. The doorway would provide access to a garden that would be enclosed by a 1.8m dry stone wall. Rough grassland currently abuts the rear elevation. The layout is such that whilst the depth of the built form would be increased, a rectangular footprint to the property would nevertheless be maintained.
10. I observed from my site visit that the proposed extension would project from a more recent outrigger and therefore not directly affect the original fabric or older historic layout of the dwelling. The use of matching materials in combination with contrasting design elements, such as the bi-folding glass doors, would lead to the creation of an honest addition that would preserve the historic legibility of the building. In this particular instance the specific design response would add to the phased development of the property in a sensitive manner. I note that part of the existing fenestration of the rear elevation would be lost, however, the window comprises a modern wooden casement and neither the window, surrounding fabric or the opening contribute to the special architectural interest of the building in my judgement. Moreover, the insertion of another doorway would not affect the internal layout of the original part of the building.
11. I accept that the lower part of the rear elevation would be obscured by the proposed 1.8m enclosure and that its height would lead to an over-dominant boundary feature. However, this impact could be mitigated by reducing the height of the wall through the use of a suitable condition that reflects the character of stone walls in the wider landscape which the Council have suggested is around 1.4m. If a lower wall were present I am satisfied that it would not dominate the rear elevation. This would ensure that the linear form of the dwelling and legibility of the different phases of its development remain clearly apparent. Moreover, the combined footprint of the house and garden would retain a rectangular footprint when viewed as a distant feature in the wider landscape thus preserving this particular cultural dimension of the AONB.
12. I note that the existence of a previously enclosed rear curtilage is disputed. The Council are of the opinion that a map regression does not provide convincing evidence for any extension of the residential curtilage to the rear and that this was within the working area of the farm. However, I observed that the appeal property is conspicuously separate from the main farm buildings and yard, all of which lie to the north east. Some of these buildings are shown on the Chipping tithe map of 1840 which suggests that the principle farming activity was remote from the appeal property. The same tithe map also refers to the appeal property as comprising a 'house, fold, garden and barn'. As I do not have the full details of the map regression analysis before

me I am unable to give much weight to the Council's contention that a later map of 1892 fails to show an enclosed garden at the rear.

13. Given the above, I am satisfied that the balance of evidence suggests that a garden was present and that it would have required some form of enclosure in order to exclude grazing animals. Although the Council view the enclosure as inconsistent with the farmstead typology of the north west region, I place little weight on this generalisation because each case must be judged on its own merits and take into account the unique historical development of individual listed buildings. Given the above, I find that both the extension and enclosure would preserve the special architectural and historic interest of the listed building.
14. I now turn to the effect of the proposal on the AONB. Paragraph 115 of the National Planning Policy Framework (2012) (the Framework) advises that great weight should be given to conserving the landscape and scenic beauty of ANOBs and that planning permission should be refused for major developments except in exceptional circumstances. Whilst I am satisfied that the proposal would not constitute a major development I am aware of the statutory duty to consider the purposes<sup>2</sup> of such areas. However, given the discreet location of the extension and the lack of prominence of the building I find that the proposal would not conflict with the duty to conserve and enhance the cultural heritage of the AONB. This is because the relationship of the building with the surrounding area would remain and its importance, in cultural heritage terms, would not be significantly altered. Moreover, I am satisfied that this minor alteration to an already altered part of the building would not undermine or conflict with this purpose. I also find that this purpose would not be undermined by the resulting domestication of the rear elevation. This is because this would reflect the long standing use of part of the building as a residential property and be confined to a limited area that would be partially screened by the proposed wall.
15. Given the above, I conclude that the proposal would preserve the special architectural and historic interest of the Grade II listed building, Wolfen Hall, and conserve and enhance the natural beauty of the Forest of Bowland AONB. As a consequence the proposal would satisfy the requirements the Act as well as paragraphs 133 and 134 of the National Planning Policy Framework (2012) (the Framework) and would not conflict with policies DMG1, DMG2 and DME4 of the Ribble Valley Core Strategy 2008-2028 (A Local Plan for Ribble Valley) 2014 (CS) that seek, among other things, to ensure that development is sympathetic in its scale, massing and features; in keeping with landscape character and supports the special qualities of the AONB; and conserves and enhances heritage assets and their settings.
16. Although there is a presumption against the extension of curtilages in policy DMH5 of the CS, I am satisfied that on the balance of probabilities the proposal represents a reinstatement and would therefore not conflict with this policy. Consequently, I find that the proposal would be consistent with the development plan. It would also be consistent with paragraph 17 of the Framework that seeks, among other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.

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<sup>2</sup> Section 85 of the Countryside and Rights of Way Act 2000

## **Conclusion and Conditions**

17. For the above reasons and having regard to all other matters raised, I conclude that, subject to appropriate conditions, the appeals should be allowed.
18. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the Framework. In addition to the standard time limit condition, a condition requiring the works and development to be carried out in accordance with the plans is necessary for the avoidance of doubt and in the interests of proper planning. Two conditions requiring further details of the design and type of materials to be used are necessary in the interests of maintaining the special architectural and historic interest of the listed building. A condition requiring a matching finish to any adjacent original fabric is also necessary for the same reasons. A condition limiting the height of the garden wall is necessary to preserve the setting of the listed building. A further condition requiring a revised plan of the proposed elevations is necessary to correct a drafting error for the avoidance of doubt and in the interests of proper planning. I do not find that a condition requiring the specification of the extent of any loss of historic fabric to be either reasonable or necessary because this is clearly apparent from the details of the proposal that has been submitted. I also find that the suggested condition requiring a programme of building recording and analysis lacks precision and would also be unnecessary given the limited scale of the alterations.

*Roger DJ Catchpole*

INSPECTOR

### **APPEAL A CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4343-03AB, 4343-04, 4343-07, 4343-09A.
- 3) Notwithstanding condition 2, the enclosing garden wall shall not exceed a height of 1.4m in perpetuity.
- 4) No development shall take place until details of the proposed changes to the north elevation of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **APPEAL B CONDITIONS**

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The materials to be used for making good any disturbed internal or external surfaces shall be of matching composition, form and finish to those of the adjoining original fabric.
- 3) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby authorised have been submitted to and approved in writing by the local planning authority. The submitted details shall include copies of the approved plans with annotations showing where they will be located. Development shall be carried out in accordance with the approved details.
- 4) No works shall take place until details of all new windows, doors and internal joinery have been submitted to and approved in writing by the local planning authority. These details shall include standard construction drawings showing cross-sectional areas as well as a full specification of all materials and coatings to be used. All works shall be carried out in accordance with the approved details.