

# PLANNING APPEAL STATEMENT OF CASE

Retention of rear boundary fence,  
garden shed and garden room/office  
at 1 Park Road, Gisburn, Lancashire.

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## INTRODUCTION

This appeal relates to the refusal of planning application 3/2021/0462 by Ribble Valley Borough Council on 24 June 2021. The application was for the 'Retention of rear boundary fence, garden shed and garden room/office' at 1 Park Road, Gisburn, Lancashire. The reason for refusal of planning permission provided by the local planning authority reads as follows:

*The development has a harmful impact upon the setting of listed buildings and the character and appearance of Gisburn Conservation Area because it is unduly prominent, incongruous and conspicuous as a result of siting, roof form and materials. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.*

## PLANNING POLICY

The Development Plan for Ribble Valley is the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley which was formally adopted on 16 December 2014. The Core Strategy along with the NPPF form the development plan for the district.

### National Planning Policy Framework (2021)

Section 16. Conserving and enhancing the historic environment Proposals affecting heritage assets

#### **Proposals affecting heritage assets**

**194.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**195.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**196.** Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

**197.** In determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

**198.** In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the

importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

### **Considering potential impacts**

**199.** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

**200.** Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional <sup>68</sup>.

**201.** Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

(a) the nature of the heritage asset prevents all reasonable uses of the site; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.

**202.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**203.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**204.** Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

**205.** Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible <sup>69</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

**206.** Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

**207.** Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

#### Ribble Valley Core Strategy

#### **KEY STATEMENT EN5: HERITAGE ASSETS**

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits. This will be achieved through:

- Recognising that the best way of ensuring the long-term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.
- Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.
- Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.
- Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.

- The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.

#### **DME4**

**POLICY DME4: PROTECTING HERITAGE ASSETS 10.15 IN CONSIDERING DEVELOPMENT PROPOSALS THE COUNCIL WILL MAKE A PRESUMPTION IN FAVOUR OF THE CONSERVATION AND ENHANCEMENT OF HERITAGE ASSETS AND THEIR SETTINGS.**

1. CONSERVATION AREAS PROPOSALS WITHIN, OR AFFECTING VIEWS INTO AND OUT OF, OR AFFECTING THE SETTING OF A CONSERVATION AREA WILL BE REQUIRED TO CONSERVE AND WHERE APPROPRIATE ENHANCE ITS CHARACTER AND APPEARANCE AND THOSE ELEMENTS WHICH CONTRIBUTE TOWARDS ITS SIGNIFICANCE. THIS SHOULD INCLUDE CONSIDERATIONS AS TO WHETHER IT CONSERVES AND ENHANCES THE SPECIAL ARCHITECTURAL AND HISTORIC CHARACTER OF THE AREA AS SET OUT IN THE RELEVANT CONSERVATION AREA APPRAISAL. DEVELOPMENT WHICH MAKES A POSITIVE CONTRIBUTION AND CONSERVES AND ENHANCES THE CHARACTER, APPEARANCE AND SIGNIFICANCE OF THE AREA IN TERMS OF ITS LOCATION, SCALE, SIZE, DESIGN AND MATERIALS AND EXISTING BUILDINGS, STRUCTURES, TREES AND OPEN SPACES WILL BE SUPPORTED. IN THE CONSERVATION AREAS THERE WILL BE A PRESUMPTION IN FAVOUR OF THE CONSERVATION AND ENHANCEMENT OF ELEMENTS THAT MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.

2. LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST ALTERATIONS OR EXTENSIONS TO LISTED BUILDINGS OR BUILDINGS OF LOCAL HERITAGE INTEREST, OR DEVELOPMENT PROPOSALS ON SITES WITHIN THEIR SETTING WHICH CAUSE HARM TO THE SIGNIFICANCE OF THE HERITAGE ASSET WILL NOT BE SUPPORTED. ANY PROPOSALS INVOLVING THE DEMOLITION OR LOSS OF IMPORTANT HISTORIC FABRIC FROM LISTED BUILDINGS WILL BE REFUSED UNLESS IT CAN BE DEMONSTRATED THAT EXCEPTIONAL CIRCUMSTANCES EXIST

3. REGISTERED HISTORIC PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST AND OTHER GARDENS OF SIGNIFICANT HERITAGE INTEREST PROPOSALS WHICH CAUSE HARM TO OR LOSS OF SIGNIFICANCE TO REGISTERED PARKS, GARDENS OR LANDSCAPES OF SPECIAL HISTORIC INTEREST OR OTHER GARDENS OF SIGNIFICANT LOCAL HERITAGE INTEREST, INCLUDING THEIR SETTING, WILL NOT BE SUPPORTED.

4. SCHEDULED MONUMENTS AND OTHER ARCHAEOLOGICAL REMAINS APPLICATIONS FOR DEVELOPMENT THAT WOULD RESULT IN HARM TO THE SIGNIFICANCE OF A SCHEDULED MONUMENT OR NATIONALLY IMPORTANT ARCHAEOLOGICAL SITES WILL NOT BE SUPPORTED. DEVELOPERS WILL BE EXPECTED TO INVESTIGATE THE SIGNIFICANCE OF NON DESIGNATED ARCHAEOLOGY PRIOR TO DETERMINATION OF AN APPLICATION. WHERE THIS DEMONSTRATES THAT THE SIGNIFICANCE IS EQUIVALENT TO THAT OF DESIGNATED ASSETS, PROPOSALS WHICH CAUSE HARM TO THE SIGNIFICANCE OF NON DESIGNATED ASSETS WILL NOT BE SUPPORTED. WHERE IT CAN BE DEMONSTRATED THAT THAT THE SUBSTANTIAL PUBLIC BENEFITS OF ANY PROPOSALS OUTWEIGH THE HARM TO OR LOSS OF THE ABOVE, THE COUNCIL WILL SEEK TO ENSURE MITIGATION OF DAMAGE THROUGH PRESERVATION

OF REMAINS IN SITU AS THE PREFERRED SOLUTION. WHERE THIS IS NOT JUSTIFIED DEVELOPERS WILL BE REQUIRED TO MAKE ADEQUATE PROVISION FOR EXCAVATION AND RECORDING OF THE ASSET BEFORE OR DURING EXCAVATION.

PROPOSALS SHOULD ALSO GIVE ADEQUATE CONSIDERATION OF HOW THE PUBLIC UNDERSTANDING AND APPRECIATION OF SUCH SITES COULD BE IMPROVED. IN LINE WITH NPPF, RIBBLE VALLEY AIMS TO SEEK POSITIVE IMPROVEMENTS IN THE QUALITY OF THE HISTORIC ENVIRONMENT THROUGH THE FOLLOWING: A) MONITORING HERITAGE ASSETS AT RISK AND;

I) SUPPORTING DEVELOPMENT/RE-USE PROPOSALS CONSISTENT WITH THEIR CONSERVATION;

II) CONSIDERING USE OF LEGAL POWERS (BUILDING PRESERVATION NOTICES, URGENT WORKS NOTICES) TO ENSURE THE PROPER PRESERVATION OF LISTED BUILDINGS AND BUILDINGS WITHIN THE CONSERVATION AREAS. B) SUPPORTING REDEVELOPMENT PROPOSALS WHICH BETTER REVEAL THE SIGNIFICANCE OF HERITAGE ASSETS OR THEIR SETTINGS. C) PRODUCTION OF DESIGN GUIDANCE. D) KEEPING CONSERVATION AREA MANAGEMENT GUIDANCE UNDER REVIEW. E) USE OF LEGAL ENFORCEMENT POWERS TO ADDRESS UNAUTHORISED WORKS WHERE IT IS EXPEDIENT TO DO SO. F) ASSESS THE SIGNIFICANCE AND OPPORTUNITIES FOR ENHANCEMENT OF NON DESIGNATED HERITAGE ASSETS THROUGH THE DEVELOPMENT MANAGEMENT PROCESS. The protection of heritage assets is recognised in national policy and makes a significant contribution to the character and inherent qualities of the borough. It is important to provide clear guidance on the treatment of these assets through the development management process.

## **DMG1**

### **POLICY DMG1: GENERAL CONSIDERATIONS**

10.4 IN DETERMINING PLANNING APPLICATIONS, ALL DEVELOPMENT MUST:

#### **DESIGN**

1. BE OF A HIGH STANDARD OF BUILDING DESIGN WHICH CONSIDERS THE 8 BUILDING IN CONTEXT PRINCIPLES (FROM THE CABE/ENGLISH HERITAGE BUILDING ON CONTEXT TOOLKIT.

2. BE SYMPATHETIC TO EXISTING AND PROPOSED LAND USES IN TERMS OF ITS SIZE, INTENSITY AND NATURE AS WELL AS SCALE, MASSING, STYLE, FEATURES AND BUILDING MATERIALS.

3. CONSIDER THE DENSITY, LAYOUT AND RELATIONSHIP BETWEEN BUILDINGS, WHICH IS OF MAJOR IMPORTANCE. PARTICULAR EMPHASIS WILL BE PLACED ON VISUAL APPEARANCE AND THE RELATIONSHIP TO SURROUNDINGS, INCLUDING IMPACT ON LANDSCAPE CHARACTER, AS WELL AS THE EFFECTS OF DEVELOPMENT ON EXISTING AMENITIES.

4. USE SUSTAINABLE CONSTRUCTION TECHNIQUES WHERE POSSIBLE AND PROVIDE EVIDENCE THAT ENERGY EFFICIENCY, AS DESCRIBED WITHIN POLICY DME5, HAS BEEN INCORPORATED INTO SCHEMES WHERE POSSIBLE.

5. THE CODE FOR SUSTAINABLE HOMES AND LIFETIME HOMES, OR ANY SUBSEQUENT NATIONALLY RECOGNISED EQUIVALENT STANDARDS, SHOULD BE INCORPORATED INTO SCHEMES.

#### ACCESS

1. CONSIDER THE POTENTIAL TRAFFIC AND CAR PARKING IMPLICATIONS.

2. ENSURE SAFE ACCESS CAN BE PROVIDED WHICH IS SUITABLE TO ACCOMMODATE THE SCALE AND TYPE OF TRAFFIC LIKELY TO BE GENERATED.

3. CONSIDER THE PROTECTION AND ENHANCEMENT OF PUBLIC RIGHTS OF WAY AND ACCESS.

#### AMENITY

1. NOT ADVERSELY AFFECT THE AMENITIES OF THE SURROUNDING AREA.

2. PROVIDE ADEQUATE DAY LIGHTING AND PRIVACY DISTANCES.

3. HAVE REGARD TO PUBLIC SAFETY AND SECURED BY DESIGN PRINCIPLES.

4. CONSIDER AIR QUALITY AND MITIGATE ADVERSE IMPACTS WHERE POSSIBLE.

#### ENVIRONMENT

1. CONSIDER THE ENVIRONMENTAL IMPLICATIONS SUCH AS SSSIS, COUNTY HERITAGE SITES, LOCAL NATURE RESERVES, BIODIVERSITY ACTION PLAN (BAP) HABITATS AND SPECIES, SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREAS, PROTECTED SPECIES, GREEN CORRIDORS AND OTHER SITES OF NATURE CONSERVATION.

2. WITH REGARDS TO POSSIBLE EFFECTS UPON THE NATURAL ENVIRONMENT, THE COUNCIL PROPOSE THAT THE PRINCIPLES OF THE MITIGATION HIERARCHY BE FOLLOWED. THIS GIVES SEQUENTIAL PREFERENCE TO THE FOLLOWING: 1) ENHANCE THE ENVIRONMENT 2) AVOID THE IMPACT 3) MINIMISE THE IMPACT 4) RESTORE THE DAMAGE 5) COMPENSATE FOR THE DAMAGE 6) OFFSET THE DAMAGE.

3. ALL DEVELOPMENT MUST PROTECT AND ENHANCE HERITAGE ASSETS AND THEIR SETTINGS.

4. ALL NEW DEVELOPMENT PROPOSALS WILL BE REQUIRED TO TAKE INTO ACCOUNT THE RISKS ARISING FROM FORMER COAL MINING AND, WHERE NECESSARY, INCORPORATE SUITABLE MITIGATION MEASURES TO ADDRESS THEM.

5. ACHIEVE EFFICIENT LAND USE AND THE REUSE AND REMEDIATION OF PREVIOUSLY DEVELOPED SITES WHERE POSSIBLE. PREVIOUSLY DEVELOPED SITES SHOULD ALWAYS BE USED INSTEAD OF GREENFIELD SITES WHERE POSSIBLE



## INFRASTRUCTURE

1. NOT RESULT IN THE NET LOSS OF IMPORTANT OPEN SPACE, INCLUDING PUBLIC AND PRIVATE PLAYING FIELDS WITHOUT A ROBUST ASSESSMENT THAT THE SITES ARE SURPLUS TO NEED. IN ASSESSING THIS, REGARD MUST BE HAD TO THE LEVEL OF PROVISION AND STANDARD OF PUBLIC OPEN SPACE IN THE AREA, THE IMPORTANCE OF PLAYING FIELDS AND THE NEED TO PROTECT SCHOOL PLAYING FIELDS TO MEET FUTURE NEEDS. REGARD WILL ALSO BE HAD TO THE LANDSCAPE OR TOWNSCAPE OF AN AREA AND THE IMPORTANCE THE OPEN SPACE HAS ON THIS.

2. HAVE REGARD TO THE AVAILABILITY TO KEY INFRASTRUCTURE WITH CAPACITY. WHERE KEY INFRASTRUCTURE WITH CAPACITY IS NOT AVAILABLE IT MAY BE NECESSARY TO PHASE DEVELOPMENT TO ALLOW INFRASTRUCTURE ENHANCEMENTS TO TAKE PLACE.

3. CONSIDER THE POTENTIAL IMPACT ON SOCIAL INFRASTRUCTURE PROVISION.

## OTHER

1. NOT PREJUDICE FUTURE DEVELOPMENT WHICH WOULD PROVIDE SIGNIFICANT ENVIRONMENTAL AND AMENITY IMPROVEMENTS.

## COMMENTS ON OFFICER REPORT

The delegated report sets out in the planning history that the case officer approached this application with a closed mind from the very beginning and was not prepared to work constructively or proactively with the appellant to find a solution which is contrary to Paragraph 38 of the NPPF which states that LPA's "*should approach decisions on proposed development in a positive and creative way*". Later in the same paragraph it is stated that "*Decision-makers at every level should seek to approve applications for sustainable development.*"

The appellant has throughout the process sought to engage with the LPA but been constantly frustrated throughout the process with an inability to engage with the case officer and enter into a constructive dialogue in relation to the development to find a solution.

The sole cause of concern of the case officer relates to the Impact upon the setting of listed buildings and the character and appearance of Gisburn Conservation Area.

The officer report jumps straight in with the following opinion without any explanation of how this has been arrived at "*The development is unduly prominent, incongruous and conspicuous because of its siting in the raised garden, low mono-pitched roof form and timber and aluminium materials and has a harmful impact upon the setting of listed buildings (particularly 1 Park Road) and the character and appearance of Gisburn Conservation Area.*"

The shed and garden room/office are single storey structures which cannot be described as prominent given their size, scale and location. The officer report fails to explain how they have arrived at this conclusion and fails to take account of the Heritage Impact Assessment which contains a detailed analysis of the zones of visibility of the structures from viewpoints in the Gisburn Conservation.

The officer report regurgitates a significant amount of published material in the form of direct quotes from the Gisburn Conservation Area Appraisal, the NPPF, etc; but offers very little in terms of the detailed analysis of the proposals. The report then jumps to the conclusion that the proposals will be harmful to the historic environment stating they fail to satisfy the policies and guidance copied in the report, but with minimal explanation of how this conclusion has been arrived at.

The officer report conveniently fails to mention that the site of the office/garden room was formerly the site of the outdoor toilet block for the former public house. Whilst, the structure has a slightly larger footprint it actually occupies the same area as the previous structure and it is important to recognise this in terms of the setting of the listed building and its surrounds. Whilst the structure is new there has been previous development in location and this is not some new alien element as the LPA suggest, but rather a more attractive building which replaces a previous less aesthetically pleasing structure.

The garden room/office structure is a sleek modern design which contrasts with the listed building and does not seek to mimic it in terms of materials. The structure is a building of its

time and the suggestion that it detracts from the setting of the listed building or the conservation area simply does not stand up to scrutiny. The building contrasts with the listed building and does not seek to mimic it as seems to be the preference of the LPA which is in direct conflict with acknowledge conservation best practice. The building is set back from Park Road behind the building line and therefore it is not a prominent feature in the street scene as the officer report suggests. The building is fairly understated and appears as a subservient structure in the garden rather than a dominant feature which detracts from the setting of the listed building or the conservation area.

The Heritage Impact Assessment which accompanied the application clearly shows the two zones of visibility that it can be seen from. Park Road is a private road and the structure is set back behind frontage of the subject building as well as that as the adjoining former public house. It is therefore not a dominant feature in the street scene and is only glimpsed between these properties rather than from a far.

In terms of the view from the A59, the structures are viewed over the back of 4 gardens and a private parking court. The zone of visibility from the A59 clearly indicates that none of the structures are particularly prominent when viewed from the main road and the LPA have not suggested they are concerned about the impact on the setting of the listed building or the conservation area from this vantage point.

Turning to the rear timber garden fence which abuts the parking area to the rear this a replacement for a previously dilapidated timber fence. It is set on the rear boundary of the property and cannot be seen from Park Road due to the elevated nature of the side/rear garden of the subject property. Therefore, the reason provided by the LPA for the refusal of this element of the proposal simply is not justified as it cannot be seen from Park Road.

It is accepted that the shed is a new structure, but it is submitted that the LPA are acting in a totally unreasonable fashion if they are not prepared to let a property owner erect a small shed in their own rear garden especially when it has been demonstrated that it is not prominent in relation to its surroundings. The shed is not visible from Park Road again which seems to be the vantage point of particular concern to the LPA.

The appellant has tried to work with the LPA but unfortunately the case officer has been unwilling from the outset and it has proved impossible to open any meaningful dialogue due to the case officer deciding that any development will damage the setting of the listing building and conservation area.

Conservation is all about managed change and ensuring that this is done in a way that allows an area to continue to function, but protects the past. Unfortunately, the LPA have taken the route of preservation rather than conservation and clearly want to preserve Gisburn as a museum piece rather than accept that change needs to occur as society evolves.

The officer report refers to an article 4 direction for the Gisburn Conservation Area but to fails to mention that after 11 years this recommendation has not been acted on and at present there are no plans to do so.

The officer report comments *"The unauthorised outbuildings are an unfortunate detracting eye-catcher in this respect."* The zone of visibility analysis carried out clearly demonstrate that this is not the case yet the report fails to acknowledge this and anything that does not suit the narrative. There is no objective assessment of the proposals in the report.

The report then goes onto state *"The submitted Heritage Impact Assessment suggests that a hedgerow screen planted immediately behind the front wall and railings fronting onto Park Road (height of 2m in 5 years) is sufficient mitigation for this harm ('harm' is identified by the applicant within the first paragraph of the Heritage Impact Assessment: Conclusions).* "This is a very selective use of the HIA and is taken out of context in the report. The paragraph referred to actually states *"For the reasons outlined above it is considered that the retrospective application for a garden room/office, shed and rear boundary fence within the settings of the listed building at 1 Park Road, Gisburn will result in minimal harm to the character, setting or significance of either the listed building (1 Park Road) or more generally the Gisburn conservation area."*

The officer report then conveniently fails to mention the toilet block to the former public house which occupied the site instead seeking to paint a false picture that "the open and raised garden is an important, befitting and fortuitous element of 1 Park Road's setting and Park Road townscape which screening will harm."

The officer report then acknowledges that *"This part of the garden may not be historically associated with 1 Park Road."* This is historical fact the garden was extended to take in the area previously occupied by the toilet block when it was demolished, but there is conveniently no mention of this in the report even though map regression and aerial photos so that to be the case until quite recently. Therefore, the suggestion that the garden room/office impacts the setting of the listed building negatively is fanciful given it was the site of a toilet block.

Screening has been proposed by the appellant as a compromise with the LPA, yet rather than have a constructive discussion this is now being used against the proposals. The appellant does not accept the LPA assertion that landscaping is being used to as *"a substitute for well-designed development"* instead the case is that it has been proposed due to try to move forward positively to address the intransigence of the case officer. The officer report asserts that landscaping should not been used to screen inappropriate development and whilst this is accepted, it is not accepted that the development is inappropriate. The landscaping has been proposed to help soften the development given the negativity from the LPA surrounding the proposals. It is considered entirely reasonable that a property owner with garden should be able to secure the rear boundary of their property and have a shed to store gardening implements. The LPA approach seems to be that this is not the case and it is submitted that this approach is entirely unreasonable.

Indeed, the Gisburn Conservation Area Appraisal states *"Simple, close-boarded fencing, with timber posts, may be an alternative to stone in certain locations away from the public viewpoint but such fencing should be simply detailed, without any decoration such as a curved top or trellis"*. The fencing replaces an earlier fence in the same location (case

officer's enforcement site inspection) and runs parallel to Park Road – it only impacts on views when viewed from immediately to the west in the Park Mews parking area (i.e. away from the main public viewpoints). However, the case officer ignores this advice in the LPA's document and instead chooses to concentrate on cumulative impact when only the Garden Room/office is visible at the present time from Park Road. The suggestion of cumulative change again does not stand up to scrutiny and this just reinforces the unreasonableness of the LPA approach in this case.

NPPF paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The development does not propose any irreversible alterations to the listed building, which if the appellant had decided to pursue an extension to the building would have been the case. The development in this case actually protects the heritage asset from future harm.

The HIA statement clearly demonstrates in line with the requirements of the NPPF a clear and convincing justification for the need for the development and how it has been designed to minimise its impact on heritage assets. The Parish Council have also supported the proposals determining there is no adverse impact.

The interpretation of Policy DME4 of the Core Strategy by the LPA hints at an approach that will not allow any change rather than one that seeks to manage change in the conservation area. It has been demonstrated that the impact on views within the conservation area and of the listed building are minimal yet this has been ignored throughout by the negative approach to the development by the LPA. The management of change within conservation areas is an important part of the LPA function to ensure these areas remain attractive and vibrant whilst allowing innovation as lifestyles develop. The onset of the pandemic has necessitated many people having to adapt to new ways of working with home working being the new norm, yet the LPA have failed to appreciate that in this instance and have gone out of their way to be obstructive rather than adopting a constructive approach.

Policy DMG1 requires high design standards however we are talking about a boundary fence, a shed and a garden room/office. The inference by the LPA that these should be constructed in traditional materials is not realistic from a cost point of view and it is highly doubtful they would be any more amenable to such proposals given their negativity and lack of engagement throughout the process.

The report lists a number of Building in context principles and suggests that the development conflicts with several of these yet does not back this statement up with any evidence or reasoned justification as to how the proposals fail to meet this criteria.

## CONCLUSIONS

It is clearly unreasonable for the LPA to expect the appellant to leave the rear of his property open from a security point of view. The timber fence erected replaced a dilapidated timber fence, but the LPA fails to mention this in their report seeming to suggest that it is a new addition rather than a replacement structure. The case officer has not suggested an alternative solution which might find favour and has adopted an overly officious approach throughout this whole saga. Paragraph 38 of the NPPF explicitly states "Local planning authorities should approach decisions on proposed development in a positive and creative way." It goes on further to say "they should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

Likewise, it is not uncommon for people with a garden to have a small shed in their garden to store garden implements and other devices securely. The suggestion by the LPA that this structure is incongruous and impacts negatively on the setting of the listed building simply does not stand up to scrutiny. The officer report references a non-existent Article 4 direction which has not been ratified by the Council 11 years on from a recommendation in the Conservation Area Appraisal. The recommendation also specifically references that such an article 4 direction should only relate to specific properties, yet the officer report seems to use artistic license to suggest that this would cover the whole conservation area, which was not what the recommendation stated. It is clear that officer report is written in a bias way as to paint an inaccurate picture which does not reflect the contents of the Conservation Area Appraisal.

Clearly, the main point of contention in the eyes of the LPA relates to the siting of the garden room/office. The appellant has been forced to work from during the pandemic and like many people has struggled for space within the existing home to accommodate a defined workspace. The appellant could have opted for an extension to the listed building, but decided that a standalone structure in a secluded location on the site of the former PH toilet block was the most appropriate solution as the development does not result in any irreversible damage to the listed building unlike an extension.

The appellant has always been open to dialogue with the LPA however, the LPA have steadfastly refused to discuss alternative locations for both the shed and garden room/office structure. The current site was chosen as this reflects the original position of the outdoor toilet block which belonged to the former public house. Again, this fact is conveniently omitted from the officer report.

The appellant has sought to work with the LPA from the outset once it was pointed out that planning permission was required for these developments due to them being within the curtilage of a Grade II Listed Building, however the LPA have had a closed mind to any development from the start and as such it has proved impossible to engage with them constructively to find a solution that may find favour with them.

The case officer fails to acknowledge that a conservation area is a place where people live, work and play and as such it needs to evolve and not become a museum piece stuck in the past as seems to be the approach advocated in this case. Clearly, the protection of the historic environment is a significant consideration and this is acknowledged, but this does not mean that change cannot take place, but that it needs to be properly managed having regard to the impact on heritage assets.

The appellant has sought to placate the LPA with the introduction of planting to soften the appearance from Park Road as this is the primary focus of the LPA concern. It is the appellants contention that this mitigation when taken in the overall context results in an acceptable development which neither detracts from the setting of the listed building or harms the conservation area.

With the above in mind, the inspector is respectfully requested to have regard to the efforts that have been made by the appellant to mitigate the impact of the development on the setting of the listed building and Gisburn Conservation Area and allow this appeal.





## **1 Park Road Appeal - List of Appendices**

1. Heritage Impact Statement
2. Title Deeds



# HERITAGE IMPACT ASSESSMENT AND STATEMENT OF SIGNIFICANCE

Planning Application for Garden  
Room/Office, Shed and Fence at  
Land to rear of 1 Park Road,  
Gisburn, Lancashire.

MPD Built  
Environment  
Consultants  
Limited

## **1. INTRODUCTION**

This Heritage Impact Assessment has been prepared to support the retrospective planning application for a rear garden fence, a garden shed and a garden room within the curtilage of 1 Park Road, Gisburn.

The Heritage Impact Assessment is submitted as part of the supporting documentation for the retrospective planning application for a garden room, garden shed and rear boundary fence, this Statement will explain the approach to the design ethos in relation to the new structures and their impacts on the surrounding heritage assets and their settings as well as their heritage significance.

The Heritage Impact Assessment will address the effects of the new additions on the heritage assets namely the listed building at 1 Park Road and the Gisburn Conservation Area. It will therefore concentrate on addressing how the developments impact on the significance of these assets and their setting.

## **2. Site History**

There is no formal planning history relating to this particular site.

### 3. DEVELOPMENT PLAN POLICIES

The Development Plan for Ribble Valley is the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley which was formally adopted on 16 December 2014. The Core Strategy along with the NPPF form the development plan for the district.

#### National Planning Policy Framework (2019)

#### Section 16. Conserving and enhancing the historic environment

##### *Proposals affecting heritage assets*

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

##### *Considering potential impacts*

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether

any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>63</sup>.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

198. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>64</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

#### Local Planning Policy

The Core Strategy was adopted by the Council on 16 December 2014 and now forms part of the statutory Development Plan for the Borough. It sets out the strategic planning policy framework to guide development in the borough up to 2028. It also includes development management policies to assist in the determination of individual planning applications.

#### KEY STATEMENT EN5: HERITAGE ASSETS

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits. This will be achieved through:

- Recognising that the best way of ensuring the long-term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.
- Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.
- Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.
- Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.

- The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.

#### **POLICY DME4: PROTECTING HERITAGE ASSETS**

10.15 IN CONSIDERING DEVELOPMENT PROPOSALS THE COUNCIL WILL MAKE A PRESUMPTION IN FAVOUR OF THE CONSERVATION AND ENHANCEMENT OF HERITAGE ASSETS AND THEIR SETTINGS.

##### **1. CONSERVATION AREAS**

PROPOSALS WITHIN, OR AFFECTING VIEWS INTO AND OUT OF, OR AFFECTING THE SETTING OF A CONSERVATION AREA WILL BE REQUIRED TO CONSERVE AND WHERE APPROPRIATE ENHANCE ITS CHARACTER AND APPEARANCE AND THOSE ELEMENTS WHICH CONTRIBUTE TOWARDS ITS SIGNIFICANCE. THIS SHOULD INCLUDE CONSIDERATIONS AS TO WHETHER IT CONSERVES AND ENHANCES THE SPECIAL ARCHITECTURAL AND HISTORIC CHARACTER OF THE AREA AS SET OUT IN THE RELEVANT CONSERVATION AREA APPRAISAL. DEVELOPMENT WHICH MAKES A POSITIVE CONTRIBUTION AND CONSERVES AND ENHANCES THE CHARACTER, APPEARANCE AND SIGNIFICANCE OF THE AREA IN TERMS OF ITS LOCATION, SCALE, SIZE, DESIGN AND MATERIALS AND EXISTING BUILDINGS, STRUCTURES, TREES AND OPEN SPACES WILL BE SUPPORTED.

IN THE CONSERVATION AREAS THERE WILL BE A PRESUMPTION IN FAVOUR OF THE CONSERVATION AND ENHANCEMENT OF ELEMENTS THAT MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.

##### **2. LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST**

ALTERATIONS OR EXTENSIONS TO LISTED BUILDINGS OR BUILDINGS OF LOCAL HERITAGE INTEREST, OR DEVELOPMENT PROPOSALS ON SITES WITHIN THEIR SETTING WHICH CAUSE HARM TO THE SIGNIFICANCE OF THE HERITAGE ASSET WILL NOT BE SUPPORTED.

ANY PROPOSALS INVOLVING THE DEMOLITION OR LOSS OF IMPORTANT HISTORIC FABRIC FROM LISTED BUILDINGS WILL BE REFUSED UNLESS IT CAN BE DEMONSTRATED THAT EXCEPTIONAL CIRCUMSTANCES EXIST.

The protection of heritage assets is recognised in national policy and makes a significant contribution to the character and inherent qualities of the borough. It is important to provide clear guidance on the treatment of these assets through the development management process.



#### 4. MATERIAL CONSIDERATIONS

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

Local planning authorities are required under section 67 of the Act to publish a notice of all applications they receive for planning permission for any development which, in their opinion, affects the setting of a listed building. This provision should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. If there is doubt about the precise extent of a building's setting, it is better to publish a notice.

The setting of a listed building is afforded statutory protection by primary legislation, namely S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to wit:

" In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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." (emphasis added)

In 1] 29 of the Barnwell Manor judgment, Lang J found that:

" Parliament's intention in enacting section 66(1) was that decision-makers should give" considerable importance and weight" to the desirability of preserving the setting of listed buildings... " (emphasis added)

Paragraph 184 of the National Planning Policy Framework (NPPF) states:

" Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. " (emphasis added)

NPPF paragraph 190 states:

" Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. "

On page 71, the National Planning Policy Guidance defines "setting" and "significance", thus:

" Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest.

## 5. Assessment

### General Introduction

The purpose of a Statement of Heritage Significance is to meet the relevant guidance given in the NPPF. This outlines the need to inform the planning decisions when considering proposals that have the potential to have some impact on the character or setting of a heritage asset. It is not concerned with other planning issues.

The nature of the heritage assets and the potential impact upon them through development are both very varied. The heritage assets include both designated heritage assets – such as listed buildings, scheduled ancient monuments and conservation areas – and non-designated heritage assets, a rather uncomfortable and sometimes subjective category that includes locally listed buildings, field systems, buried archaeological remains and views.

The degree of impact a proposed development could have on such assets is variable and can sometimes be positive rather than negative. The wide range of possible impacts can include loss of historic fabric, loss of historic character, damage to historic setting, and damage to significant views.

The structures which are the subject of this application sit within the garden curtilage of a Grade II listed buildings (1 Park Road) as well as being located within the Gisburn Conservation Area. The garden room also straddles the curtilage of the property to cover the site of the former outside toilets to the former New Inn PH.

Paragraph 9 of The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), published by Historic England in December 2017 (SHA), advises that the importance of setting:

“lies in what contributes to the significance of the heritage asset or to the ability to appreciate that significance.”

SHA paragraph 19 sets out five steps for the proportionate assessment of the significance of heritage assets.

**Step 1: Identify which heritage assets and their settings are affected**

**Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated**

**Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it**

**Step 4: Explore ways to maximise enhancement and avoid or minimise harm**

## Step 5: Make and document the decision and monitor outcomes

### Step 1. IDENTITY

#### Listing Descriptions

**Entry Name:** 1, Park Road  
**Listing Date:** 27 April 1984  
**Grade:** II  
**Source:** Historic England  
**Source ID:** 1317720  
**English Heritage Legacy ID:** 183393  
**Location:** Gisburn, Ribble Valley, Lancashire, BB7  
**County:** Lancashire  
**District:** Ribble Valley  
**Civil Parish:** Gisburn  
**Built-Up Area:** Gisburn  
**Traditional County:** Yorkshire  
**Lieutenancy Area (Ceremonial County):** Lancashire  
**Church of England Parish:** Gisburn St Mary the Virgin  
**Church of England Diocese:** Blackburn

#### Listing Text

SD 82 48 GISBURN PARK ROAD

12/74 No. 1

-

GV II

House, early C19th. Rubble with sandstone dressings and stone slate roof. 2 storeys. At the left is a 2-storey bow window with 3 lights on each floor, having plain stone surrounds and square mullions and either sashed with glazing bars or fixed with glazing bars. To the right, above the door, is a sashed window with glazing bars and plain stone surround. The door has a plain stone surround. Blocking course, and gutter on brackets.

Listing NGR: SD8276948831

**Entry Name:** Barn Adjoining to East of Pimlico House  
**Listing Date:** 16 November 1954  
**Grade:** II  
**Source:** Historic England  
**Source ID:** 1072108  
**English Heritage Legacy ID:** 183385

**Location:** Gisburn, Ribble Valley, Lancashire, BB7  
**County:** Lancashire  
**District:** Ribble Valley  
**Civil Parish:** Gisburn  
**Built-Up Area:** Gisburn  
**Traditional County:** Yorkshire  
**Lieutenancy Area (Ceremonial County):** Lancashire  
**Church of England Parish:** Gisburn St Mary the Virgin  
**Church of England Diocese:** Blackburn

## Lancashire Historic Environment Record

The site is located within the Gisburn Conservation Area which was designated on 3<sup>rd</sup> October 1974. A Conservation Area Appraisal (2005) and Management Guidance (2005) have been produced.



No reference is made in the Conservation Area Appraisal or Management Plan to importance of gardens or structures within them. It must therefore be assumed that these are considered to be insignificant in terms of the character of the conservation area and they are not identified as a threat within the Management Plan.

## Step 2. Assessing Significance of Setting

### Definition of Setting

Setting, as a concept, was clearly defined in PPS5 and was then restated in the NPPF which describe it as:

*'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

The latest Historic England guidance on what constitutes setting is virtually identical to the English Heritage guidance it superseded in March 2015:

*'Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated (see Designed settings below). Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings.'*

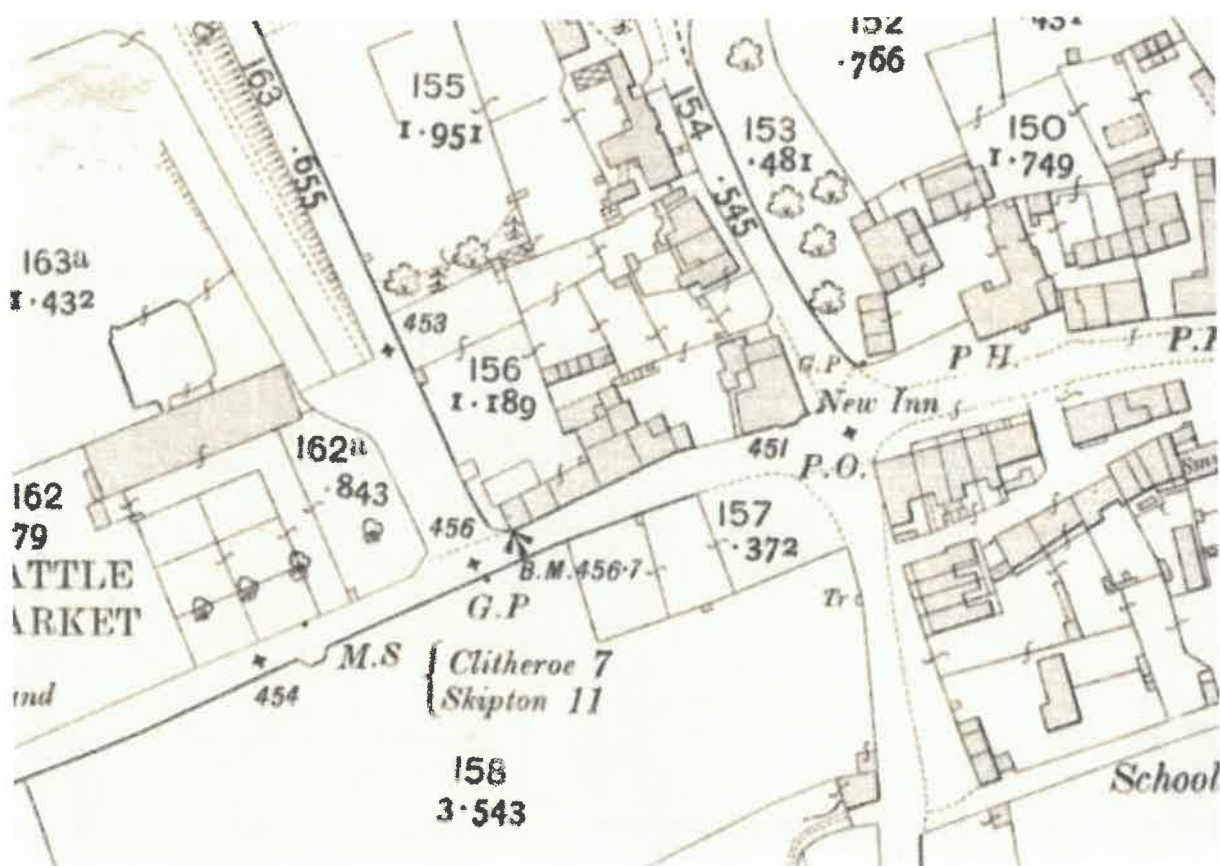
The new Historic England guidance also re-states the earlier guidance that setting is not confined entirely to visible elements and views but includes other aspects including environmental considerations and historical relationships between assets:

*'The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets'.*

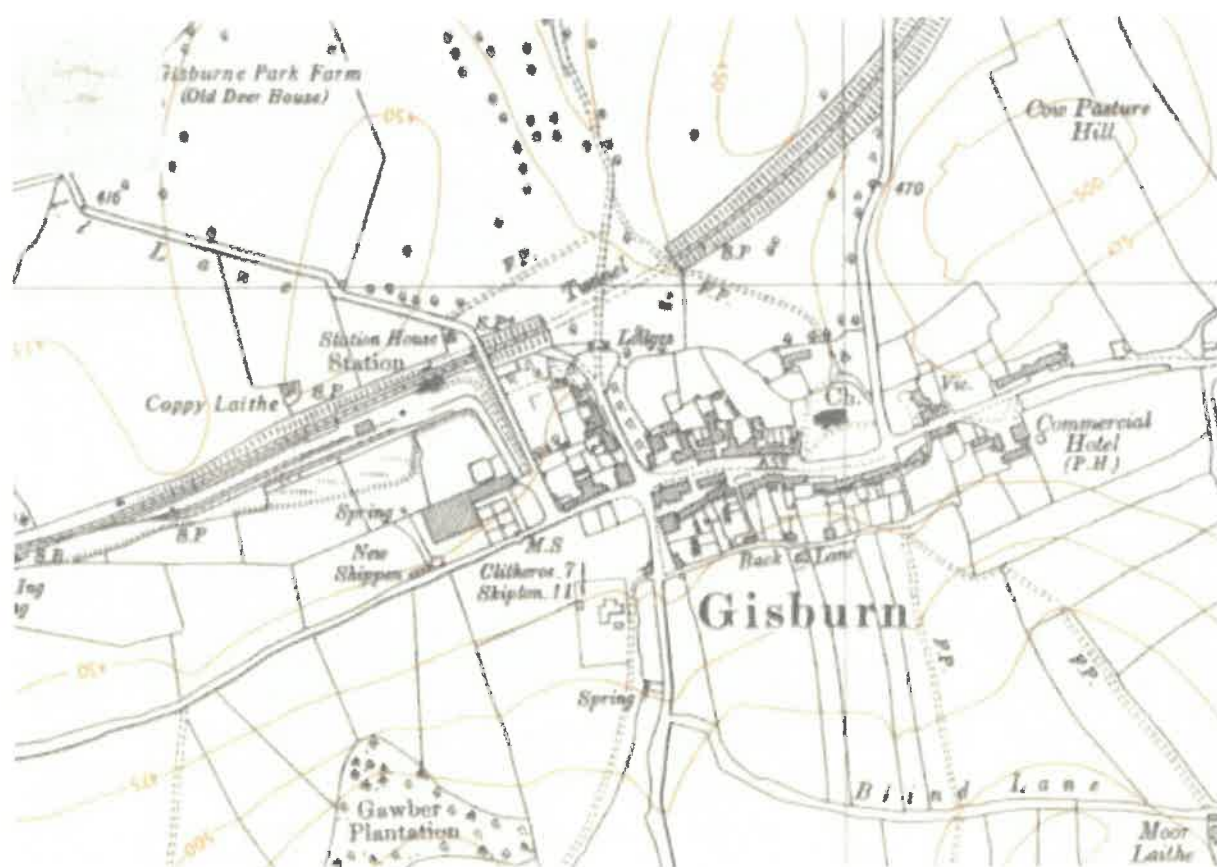
It is clear from the listing description that the significance of the listed buildings lies in its interpretative value as an appreciation of the design, materials of construction, internal and external detailing of a Georgian residential building of the early nineteenth century.







### 1907 Map



### 1955 Map



SHA paragraph 17 indicates that the contribution made to significance by setting varies. There is nothing in the listing description to suggest the setting of any heritage asset should be considered to extend beyond their respective curtilages.

The 'Zone of Visibility' is shown at Appendix C. It includes views from Park Road (red zone), and Park Mews (yellow zone). These two zones were chosen because they are the locations within which the majority of people passing through the area would have an opportunity to catch a view of the site and its relationship with the surrounding heritage assets.

There are no significant topographical variations across the site that would impact views into the development site. However, there is significant foliage cover, existing buildings and boundary treatments which restricts views in and out of the site.

**Red Zone:** The *Google Earth* photograph below shows the view from Park Road, directly in front of the side garden to No.1 Park Road. This demonstrates that the development site is well screened from the road which is likely to be the main public viewing point for passers-by from the red zone. The existing tree cover substantially screens the developments from view. The garden where the developments are located is elevated above the front garden area. A hedgerow has been planted immediately behind the front wall and railings fronting onto Park Road and once this is established this will screen views into the site from Park Road. The hedgerow will reach a height of 2 metres within 5 years and this will significantly screen the garden. In addition, two trees have also been planted further back towards the retaining wall and their foliage will further add an additional element of screening meaning that none of the structures in the elevated side garden will be visible from Park Road.

The visual impact of the developments upon setting of any of the heritage assets from the red zone is therefore considered to minimal and will continue to reduce as the planting matures and it is considered that the structures will not detract from appreciation of the listed building or conservation area as heritage assets.

**Yellow Zone:** The *Google Earth* oblique aerial image below shows the current views towards the site from the entrance to Park Mews. Views from Park Mews have not been raised as an issue by the local planning authority however it is important that the impact of the developments is considered from this public vantage point as well.

The rear/side garden to 1 Park Road backs onto a private road/parking court for the new build properties situated on Park Mews. The site is glimpsed across the back gardens of properties formed from the former New Inn public house situated on the corner of Park Road and the A59.

It is considered that any harm to the setting of the heritage assets resulting from the proposed development in the yellow zone could readily be mitigated by the use of condition to require an appropriate boundary treatment, if it was deemed necessary.

In Summary, 1 Park Road is not the most prominent building and its setting is considered to be uncompromised by the developments from the principal elevation on Park Road which runs in front of it. The structures are set back behind the principal elevation of the listed building and the adjoining building on the other side of the garden. Therefore, to see the

structures one has to stand directly in front of the garden and look between the two buildings. The planting that has been introduced to screen the garden room and shed is still relatively new and as this matures this will soften the appearance of these structures and eventually conceal them from public view along Park Road

The structures are situated in the side/rear garden of No.1 but will to a large extent be obscured from the view of passing traffic on the A59 and Park Road by existing buildings and planting. It should also be noted that the garden room ostensibly sits on the footprint of the former outdoor toilets to the former New Inn and whilst the building is slightly larger in footprint it does not impact the appreciation of the listed building any more than the previous structure which occupied the site.

Having regard to the above, it is considered that there would be no discernible harmful intervisibility between the new structures and the settings of any of the identified heritage assets (listed building and conservation area). If it was deemed there, were it is not considered that these would amount to anything more than minor harm and it is felt this could reasonably be mitigated against by the use of landscaping conditions. To this end the applicant has already introduced a substantial amount of new planting along the frontage to Park Road in the form of a Hornbeam hedgerow with two new maple trees and an acer tree also being planted.

### Step 3. Assessing Effects upon Significance

#### Definition of Significance

The glossary of the Planning Practice Guidance (PPG) to the NPPF defines significance as:

*'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*

The PPG also states:

*'Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.'. (9)*

But Cautions that:

*'A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process'.'. (10)*

There is no mention in the listing descriptions that the setting of the heritage asset contribute to its significance. SHA paragraph 9 indicates that the setting of an asset may affect the ability to appreciate the significance of a heritage asset. It is important that the elevations of the surrounding assets (particularly their principal elevations) are not obscured from view as this could lead to a partial but harmful impact on their significance. It was therefore important in locating the structures that care was taken to ensure that the principal elevation of the listed building was not unduly impacted and that views of this heritage asset are preserved so that its significance along with that of the conservation area can still be appreciated.

#### Change over time

The Ordinance Survey Plans (above) shows that the land occupied by the garden room/office was previously occupied by the outside toilet block to the former public house and in the main the site was not within the curtilage of the listed building at No. 1 Park Road. With the change of use of the public house into residential dwellings and the subdivision of the property which this entailed the former toilet block was demolished and the land on which it stood was sold to the owner of No.1 Park Road so was subsumed into its garden area.

The garden room/office occupies a slightly larger footprint than the former toilet block but is very much in the same location on site as the former structure was. The garden room/office is eminently more aesthetically pleasing to the eye than the toilet block and clearly has no greater impact on the setting of the listed building or the conservation area than the toilet block which previously occupied the site.

The size of the garden has changed over the years but there is no indication that this has impacted on the significance of the listed building. At the time the property was listed, the garden in front of No.180 was much smaller than it had been 1875. The boundary treatments are not referenced in the listing description of No.1 and therefore it can be inferred from this that they are not a significant factor in terms of its historical or architectural importance and are neutral in terms of how the building is appreciated and read as a heritage asset.

The proposals must be considered against the backdrop of the historic development of Gisburn as a rural settlement. The new structures are of their time, minor in scale and designed in a manner that is consistent with the way that the village has grown, with increasingly dense residential and commercial development radiating out from Gisburn Hall.

#### Cumulative Change

The closure of the railway station and the conversion of the New Inn public house to residential dwellings has probably had the greatest impact on this part of the conservation area in terms of change. The new structures which are the subject of this application are all standalone structures which do not irreversibly alter the historic fabric of the heritage assets. The new structures are relatively modest additions and the garden room/office is clearly a structure of its time, which provides additional accommodation without impacting the listed building in the way that an extension would.

#### **Impact on Adjacent Heritage Assets**

The heritage assets likely to be most impacted by the application are 1 Park Road (Grade II listed building) and the Gisburn Conservation Area. The principal elevation of 1 Park Road is best appreciated from the private road in front of the property. The garden room/office, shed and the timber fence are located to the rear of the listed building in the garden which is situated on the south side of the main house. The garden consists of a lower front garden which then rises up on a terrace when it meets the front of the house. The garden room/office, shed and rear boundary fence are located towards the back of the elevated garden so are not readily visible from the street in front of 1 Park Road.

The view from Park Road has been identified as the most important view and to this end by way of mitigation a new hornbeam hedgerow has been planted along the garden frontage with Park Road to provide screening to the garden. Further back three new trees consisting

of two maples and an acer have been planted and these will provide additional screening that will obscure the structures in the upper garden from view within a few short years.

The garden room/office, shed and fence can also be viewed from main street (A59) from between the opening that forms Park Mews. The side garden to No. 1 Park Road is viewed across the gardens of adjoining properties so to a large extent is not particularly visible in townscape terms and certainly does not detract from the appreciation of the either the listed building or Gisburn conservation area.

### **Archaeological Implications**

Part of the site occupied by the Garden room was formerly the site of the outdoor toilets associated with the former New Inn public house. These were demolished some years back and the land on which they should have been conveyed over to the ownership of No.1 Park Road on a separate title to the rest of the garden. The toilets are not shown on earlier OS Maps and there is nothing to suggest from the available evidence that the site has ever been the site of an earlier building or structure in the past. It is therefore unlikely that finds of any archaeological significance will be discovered as a result of excavation works to the site.

The application is retrospective no groundworks were required for the scheme. The potential for the survival of significant buried archaeological remains that could be impacted by the groundworks is considered to be extremely limited.

#### Step 4. Enhancement/Minimise Harm

##### Definition of Harm

The NPPF and its accompanying PPG effectively distinguish between two degrees of harm to heritage assets – *substantial* and *less than substantial*. Substantial harm is considered to be a degree of harm so serious to the significance of the heritage asset, usually involving total or partial destruction of a listed building, for example, or radical changes to its setting.

As the term suggests, *less than substantial harm* is not as serious and varies in its impact – but it still is an important consideration in assessing planning applications. However, recent High Court rulings have emphasised the primacy of the 1990 Planning Act – and the fact that it is up to the decision makers in the planning system to ‘*have special regard to the desirability of preserving the [listed] building or its setting*’. Paragraph 134 of the NPPF states that ‘*Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.*’

As explained above great care has been taken in terms of the siting, scale and design of these new features as well as the surrounding landscaping against which it will be experienced along with the existing heritage asset. The new structures are located behind the principal elevation to the side of the property so are not readily visible from Park Road which is the primary view of the listed building at 1 Park Road.

The new buildings are structures which are domestic in scale and such structures are found in gardens throughout the conservation area and beyond.

The garden room and timber shed are therefore subordinate in size, scale and design to the listed building and do not detract from the heritage asset. They are therefore considered to have a neutral impact in terms of the historic building and the conservation area themselves and their settings. The same is also true of the timber fence erected along the rear boundary of the site, which is only visible from outside the site if you are stood in the private courtyard to the property at the rear.

The siting, size, design and landscaping along with the external construction materials have all been carefully considered to minimise the impact of these features on their surrounding and not detract from the way the heritage assets are experienced. It is considered that the proposals successfully achieve this and do not adversely impact the significance of any of the heritage assets which adjoin the site.

The proposals are proportionate and well considered. There is no detrimental impact on the historic fabric and the more significant elements of the overall character of the listed building or its setting on the site are respected by these new additions which have no discernible visual impact on how the public view or interpret the listed building or the conservation area.

Care has been taken to ensure that the design of the new structures does not detract from the listed building or its settings. The garden room/office and shed appear subservient to the listed building and has been designed to provide a sympathetic and yet contemporary addition which respects its surroundings in terms of its size, scale and massing. Within the context of the conservation area these additions are barely noticeable and have a neutral impact on the character of the conservation area.

### **Step 5. Documentation and Monitoring**

As there will be no material loss of significance resulting from the development, there should be no need to amend the historic environment record as a result of these proposal having being implemented. Details of the planning application, which include a heritage statement will be retained on the Council's website as a permanent record and can be supplied to the Lancashire County Archive and Records Office.

The applicant considers that any conditions attached to the planning permission to protect the significance of the heritage assets, their settings and the manner in which they are experienced, would be readily enforceable.



## 6. Conclusions

For the reasons outlined above it is considered that the retrospective application for a garden room/office, shed and rear boundary fence within the settings of the listed building at 1 Park Road, Gisburn will result in minimal harm to the character, setting or significance of either the listed building (1 Park Road) or more generally the Gisburn conservation area.

The structures are all standalone and as such do not result in irreversible alterations to the listed structure which an extension to the building might. The garden room/office is required to provide a quiet working space away from the main house and actually predominantly sits on the site of the now demolished outdoor toilets which belonged to the former New Inn public house and as such most of this site was not contained within the original curtilage of 1 Park Road.

In the recent past, planning guidance has recognised that change to historic buildings and their settings is part of their history and that buildings are not and should not be fossilised. The prospect of change, even to listed buildings and conservation areas as well as their settings, is anticipated in the government's National Planning Policy Framework but was more clearly outlined in earlier guidance from 1996, Planning Policy Guideline No.15 (PPG 15), which stated – in relation to listed buildings that:

*'Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.'*

The listing descriptions for the heritage asset does not contain any specific reference to its setting. Typically, historic buildings may be experienced as part a wider group of buildings in a conservation area so their wider setting is therefore important consideration as well.

In summary, the additions have no detrimental impacts upon the heritage assets or their settings, nor do they detract from the significance of the heritage assets or how they are appreciated, which is dependent upon observation in close proximity rather than assessment of their siting within a wider landscape or their physical juxtaposition.

Having regard to the above it is clear that the great care has been taken to minimise the impact of these new additions on the historic environment and it is considered that with the introduction of the new planting already undertaken the impact will be minimised to a point where no discernible harm will result from the proposals.

Sources of Information consulted:

- Lancashire Archive and Local Studies
- Lancashire Records Office
- Lancashire Historic Environment Record
- The National Heritage List
- Gisburn Conservation Area Appraisal
- Gisburn Conservation Area Management Guidance
- National Planning Policy Framework (NPPF) o NPPF Planning Practice Guidance
- The Ribble Valley Local plan
- Lancashire Landscape Character Assessment
- Historic ordnance survey maps
- Historic Aerial Photographs

## **APPENDICES**

**Appendix A – Photographic Record of Site and Surroundings**

**Appendix B – Aerial Photographic Record**

**Appendix C – Zones of Visibility**

**Appendix A – Photographic Record of Site and Surroundings**











## Appendix B – Historical Maps and Aerial Photographic Records

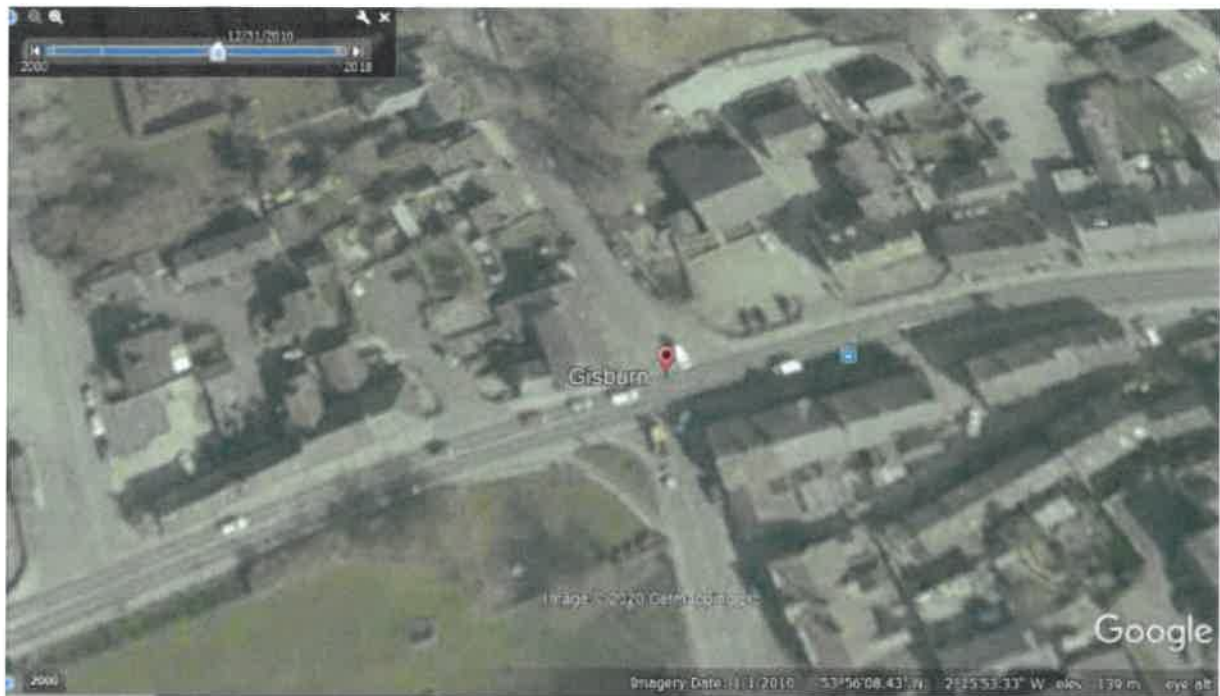


Aerial Photograph 2000



Aerial Photograph 2003



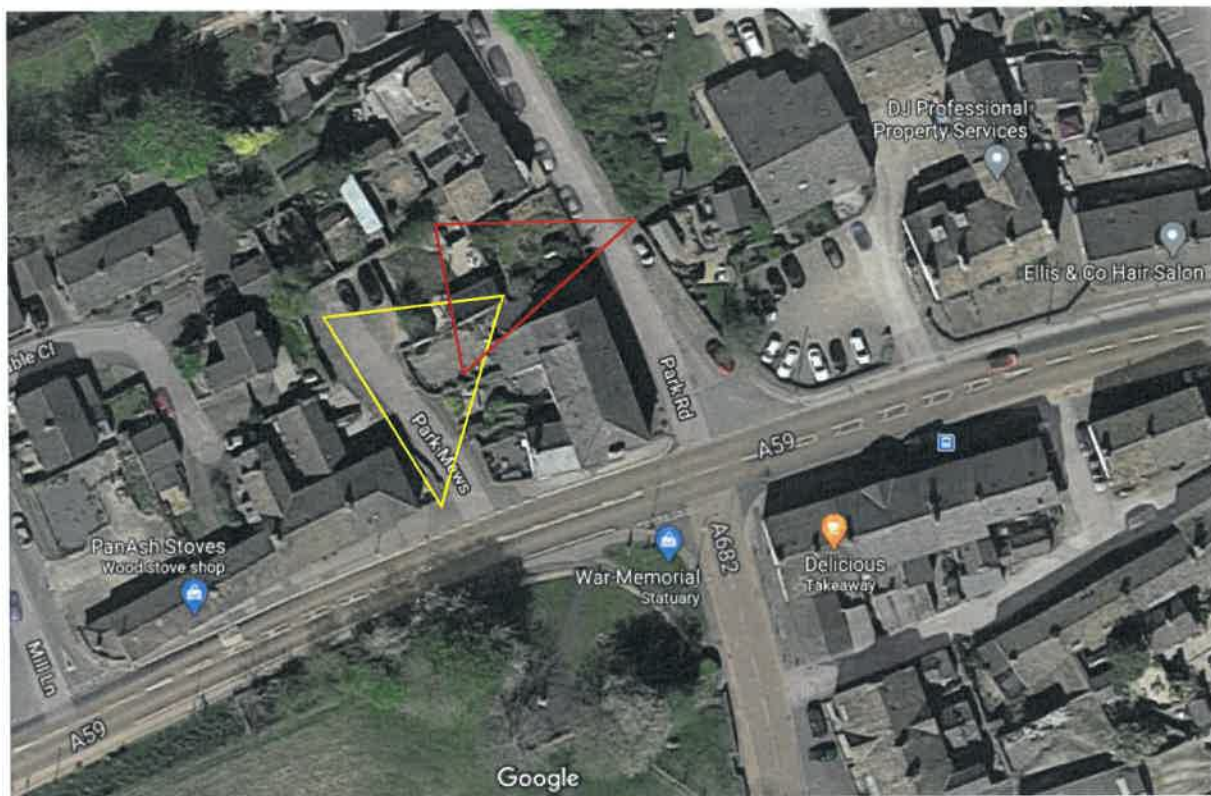


Aerial Photograph 2010



Aerial Photograph 2018

## Appendix C – Zones of Visibility





## Appendix D – Planting



Hornbeam Hedge planted along the frontage with Park Road will grow to 2 metres with 5 years

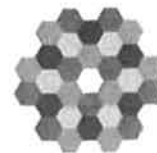


2 x Japanese Maple Tree planted in front garden to provide additional screening



Acer Tree planted in front garden to provide screening





# Official copy of register of title

Title number LA964002

Edition date 12.09.2019

- This official copy shows the entries on the register of title on 08 SEP 2020 at 15:05:21.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 Sep 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

## A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : RIBBLE VALLEY

- 1 (30.07.2004) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 1 Park Road, Gisburn, Clitheroe (BB7 4HT).
- 2 (30.07.2004) A Conveyance of adjoining land dated 9 January 1987 made between (1) Christopher Harold Hindley and (2) Tatiana Giovanna Townsend contains provisions as to light or air, boundary structures and other matters.  
*NOTE: Copy filed.*
- 3 (30.07.2004) The land has the benefit of the rights granted by but is subject to the rights reserved by a Conveyance of the land in this title dated 15 May 1987 made between (1) Christopher Harold Hindley and (2) Margaret Clough.  
*NOTE: Copy filed.*
- 4 (30.07.2004) The Conveyance dated 15 May 1987 referred to above contains a provision as to light or air.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (12.09.2019) PROPRIETOR: PAUL IAN HARGREAVES and DAPHNE FIONA ANAK HARGREAVES of 1 Park Road, Gisburn, Clitheroe BB7 4HT.
- 2 (12.09.2019) The price stated to have been paid on 5 September 2019 for the land in this title and in LA697756 was £225,000.
- 3 (12.09.2019) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 5 September 2019 in favour of Bluestone Mortgages Limited referred to in the Charges Register.



Title number LA964002

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (12.09.2019) REGISTERED CHARGE dated 5 September 2019 affecting also title LA697756.
- 2 (12.09.2019) Proprietor: BLUESTONE MORTGAGES LIMITED (Co. Regn. No. 2305213) of Melbourne House, 44-46 Aldwych, London WC2B 4LL.

End of register





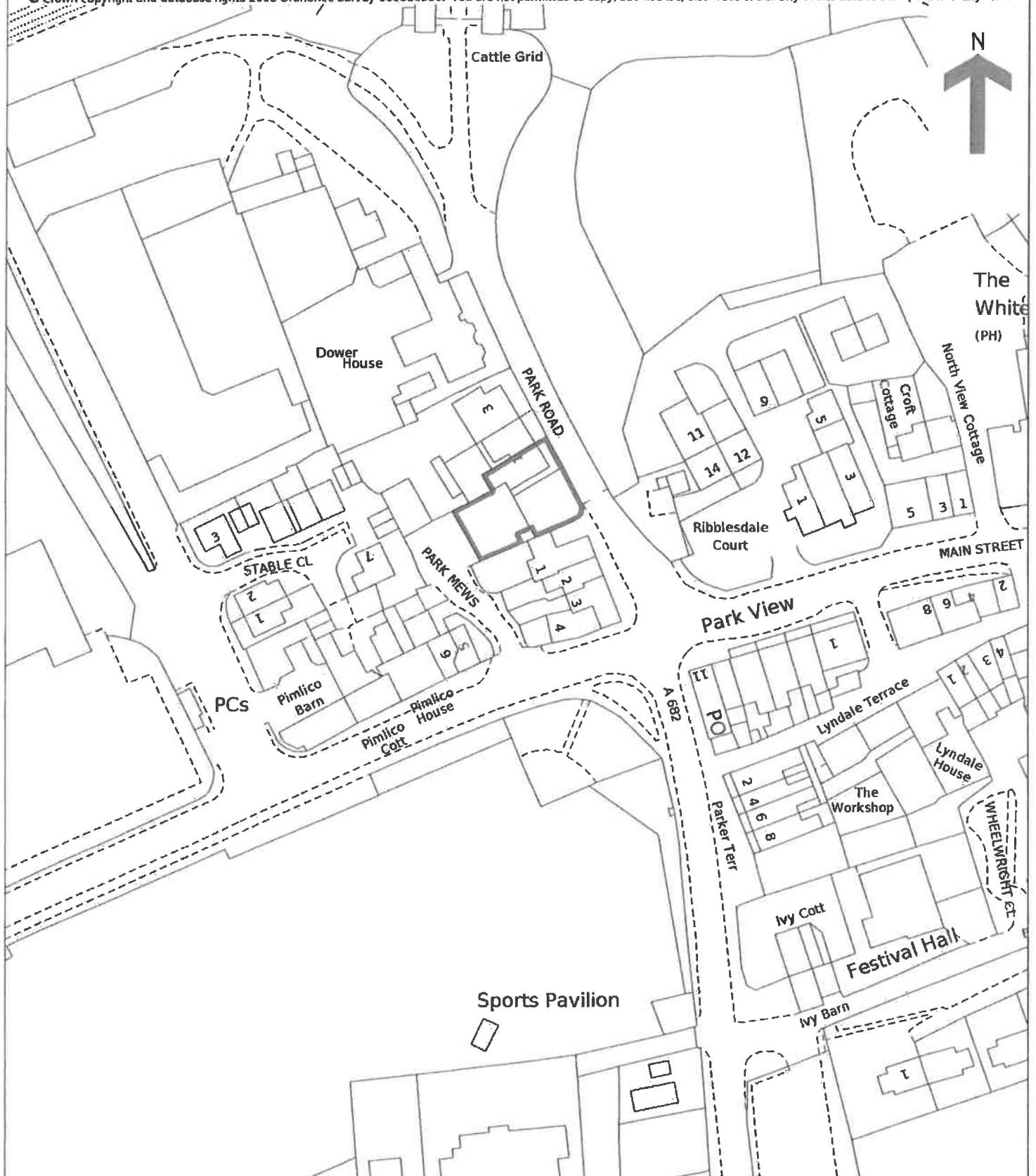
# HM Land Registry

## Official copy of title plan

Title number **LA964002**  
Ordnance Survey map reference **SD8248NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Lancashire : Ribble  
Valley**



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# Official copy of register of title

Title number LA697756

Edition date 12.09.2019

- This official copy shows the entries on the register of title on 08 SEP 2020 at 15:07:31.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 Sep 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

## A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : RIBBLE VALLEY

- 1 (11.06.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land adjoining 1 Park Road, Gisburn (BB7 4HT).
- 2 (11.06.1992) The Transfer dated 2 June 1992 referred to in the Charges Register contains provisions as to light or air and boundary structures.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (12.09.2019) PROPRIETOR: PAUL IAN HARGREAVES and DAPHNE FIONA ANAK HARGREAVES of 1 Park Road, Gisburn, Clitheroe BB7 4HT.
- 2 (12.09.2019) The price stated to have been paid on 5 September 2019 for the land in this title and in LA964002 was £225,000.
- 3 (12.09.2019) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (12.09.2019) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 5 September 2019 in favour of Bluestone Mortgages Limited referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (11.06.1992) A Transfer of the land in this title dated 2 June 1992 made between (1) Duttons Brewery Limited and (2) Margaret Clough



Title number LA697756

## C: Charges Register continued

contains restrictive covenants and reservations.

*NOTE: Copy filed.*

- 2 (12.09.2019) REGISTERED CHARGE dated 5 September 2019 affecting also title LA964002.
- 3 (12.09.2019) Proprietor: BLUESTONE MORTGAGES LIMITED (Co. Regn. No. 2305213) of Melbourne House, 44-46 Aldwych, London WC2B 4LL.

End of register



# HM Land Registry Official copy of title plan

Title number **LA697756**  
Ordnance Survey map reference **SD8248NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Lancashire : Ribble Valley**



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