



Appeal Decision

Site visit made on 22 August 2022

by **C Megginson BA(hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th September 2022

Appeal Ref: APP/T2350/W/22/3296866

Eaves Hall, Eaves Hall Lane, West Bradford BB7 3JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr James Warburton against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/1020, dated 28 September 2021, was refused by notice dated 6 December 2021.
 - The application sought planning permission for the construction of 15 eco-lodges and infrastructure to provide additional accommodation to Eaves Hall without complying with a condition attached to planning permission Ref 3/2020/0544, dated 25 November 2020.
 - The condition in dispute is No2 which states that: Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing ref:
Location Plan
Existing Site Plan 1813/EX01 rev A
Proposed Site Plan 1813/PL01 rev B (received 28.09.2020)
Proposed Eco Lodge 1 Bed 1813/PL02 rev A
Proposed Eco Lodge 2 Bed 1813/PL03 rev A
Details 1813/PL04 rev B (received 24.09.2020).
 - The reason given for the condition is: For the avoidance of doubt since the proposal was the subject of the agreed design improvements/amendments and to clarify which plans are relevant to the consent.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application also included the discharge of conditions 3,4,5,12,14,15,16,19 and 22. I have no further evidence on these conditions; therefore, I have focused my decision on the disputed condition which the appellant seeks to vary.
3. At the time of my site visit there were four lodges on site, all of the revised design and some of the groundworks had commenced.

Background and Main Issues

4. The appellant wishes to vary condition 2 to reflect an updated layout and change of lodge type. The main issue is the effect that varying the condition would have on the character and appearance of the area, including the setting of a Listed Building.

Reasons

5. The proposed lodges would sit within a large field to the rear of the Grade II listed Eaves Hall, within the Forest of Bowland AONB. The Hall is constructed of red brick and Portland stone, with a slate roof, in a free Renaissance style which includes many ornate windows, some of which feature arches and are important to its special interest and significance. The setting of the listed building is heavily influenced by its gardens and walkways, which extend from the front and west side of the building, and by the surrounding open countryside.
6. Behind the hall and gardens is the elevated access lane which leads to the tennis court and walled garden, that subsequently leads to the appeal site. Whilst there might be a lack of a visual or functional relationship between the appeal site and the listed building due to the orientation of the hall and the intervening walled garden area, the appeal site, in its current undeveloped form and rural character, makes an important contribution to its rural setting and thus the significance of the listed building.
7. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the LBCA Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the Framework states 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; the more important the asset, the greater the weight should be.
8. Existing and proposed landscaping and the undulating topography would protect views from the surrounding area and contain the development, with the exception of views up into the sloping field from the south. Views are particularly open on the approach from the tennis court and walled garden area. The approved lodges would comprise cylindrical timber framed pods with a lime render or timber clad finish, a sedum roof and a large aluminium window on the short end elevation, orientated to enable views to the southeast, downhill towards the hall.
9. The revised lodges would be oval shaped with a rounded roof and would be fully clad in spruce shingles with grey UPVC windows, doors and flooring. These lodges would be smaller in height and width and feature their arched windows and doors on the long side elevation. The orientation of the lodges is proposed to change to allow these windows to have the same views as the approved lodges, down the hill towards the hall. The result would be that when viewing the lodge development from the south, the full width of each lodge is visible.
10. Whilst I appreciate that the proposed lodges are smaller than those approved and the size of glazing has been reduced, the revised orientation of the lodges would result in a more visually dominating form of development from the open views to the south. In addition, the unusual shape, layered spruce shingles and thick framed windows of the proposed lodges would stand out as incongruous against the stone and rendered walls around the walled garden and tennis court.
11. In view of the above, the development would fail to preserve the setting of the listed building. The harm to the significance of Eaves Hall that would result

from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of preserving the setting of the listed building. Paragraph 202 of the Framework states that where a 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 proposal.

12. The benefits of the amended proposals are stated to provide a modestly better standard of accommodation, with the lodges reduced in height and length, using less glazing to reduce potential light pollution and reduce impact on the surrounding landscape. Whilst the volume of glazing would be slightly reduced, I am not convinced that the number and shape of apertures proposed in the amended design would significantly reduce light pollution. The reduction in lodge height and length would bring a very small benefit but this would be outweighed by the reorientation of the lodges.
13. The appellant states that the wider benefits of the amended scheme are that it would provide an accommodation solution to aid the recovery of the business following Covid-19 lockdown and would assist in the long-term investment in the heritage asset of Eaves Hall. It would also increase the tourism offering within the rural area and reduce the need for wedding guests to travel to and from accommodation elsewhere. In addition, it would prevent the need for an extension to the listed building itself, to provide the additional accommodation. Whilst I agree that these benefits will arise from the lodge development, I am not convinced that the proposed amendments would be the only way of securing these benefits.
14. When taken together, the benefits outlined above would not be sufficient to outweigh the harm to the significance of Eaves Hall. For these reasons, I conclude that the amendments proposed would not preserve the setting of Eaves Hall and would result in harm to the significance of the listed building. It would not meet the requirements of Section 66 of the LBCA Act. For the same reasons, the proposal would be contrary to policy DME4 and key statement EN5 of the Ribble Valley Core Strategy (2014) (the Core Strategy), which require development to protect and conserve historic buildings and their settings. It would also conflict with paragraph 200 of the Framework, which states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
15. In addition, the amendments proposed, by virtue of their design, external appearance and orientation would unacceptably harm the character and appearance of the area. This would be contrary to Key Statement EN2, Policies DMG1, DMG2 and DMB3 of the Core Strategy which seek to ensure that new development delivers high quality design that respects and enhances local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework, which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

C Megginson

INSPECTOR