

APPEAL STATEMENT

BLACKHOUSE FARM
MR AND MRS MCENTYRE





Rural Solutions

APPEAL STATEMENT

LOCATION
BLACKHOUSE FARM

APPEAL
APPEAL AGAINST THE REFUSAL TO GRANT PLANNING AND LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO CREATE ADDITIONAL RESIDENTIAL FLOORSPACE.

APPLICANT
MR AND MRS MCENTYRE

ISSUE DATE
21ST SEPTEMBER 2021

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I. INTRODUCTION AND CONTEXT

I.1: Householder and Listed Building Consent was sought from Ribble Valley Borough Council for the conversion and extension of existing outbuildings to create additional residential floorspace at Blackhouse Farm, Slaidburn, BB7 4TS. The Local Planning Authority (LPA) application reference numbers are 3/2021/0411 and 3/2021/0412 respectively.

I.2: Both applications were refused on 1st July 2021 for the following single reasons:

Householder application ref 3/2021/411:

The proposal is harmful to the special architectural and historic interest and setting of the listed building and the cultural heritage of the Forest of Bowland AONB because of the loss of important historic fabric (new openings; window altered to door) and the prominence, incongruity and conspicuousness of new build (including glazed links) in respect to important architectural features and forms, the spaces between buildings and harmonic agricultural setting. This is contrary to Key Statements EN5 and EN2 and Policies DME4, DMG1 and DMG2 of the Ribble Valley Core Strategy.

Listed Building consent application ref 3/2021/0412:

The proposal is harmful to the special architectural and historic interest and setting of the listed building because of the loss of important historic fabric (new openings; window altered to door) and the prominence, incongruity and conspicuousness of new build (including glazed links) in respect to important architectural features and forms, the spaces between buildings and harmonic agricultural setting.

I.3: This appeal statement addresses both refusals.

SITE LOCATION

I.4: Blackhouse Farmhouse is a Grade II listed house dating from the early-to-mid 19th century. The farmhouse is located within the Forest of Bowland AONB. It is located at a nodal point in the public rights of way network however the proposed development site is screened to its north, east and south by existing development within the farmstead and by established tree planting to the west. The site is therefore well contained.

PLANNING HISTORY

I.5: Planning permission (and Listed Building consent) was sought for the "Conversion and extension of outbuildings to enlarge existing house; Construction of annexe; Construction of home office; and plant room mower store" (LPA refs: 3/2020/0328 and 3/2020/0355). Both were refused on 20 July 2020. The reason for refusal stated:

The proposal is harmful to the special architectural and historic interest and setting of the listed building and the cultural heritage of the Forest of Bowland AONB because of the prominence, incongruity and conspicuousness of extension and new buildings resulting from: extension form (including projection to the front of the principle listed building main façade), location and materials; the encapsulation of historic outbuildings with the loss of views of interesting elevation treatments and important and characterful spaces and the extent of glazing to and size of proposed buildings. This is contrary to Key Statements EN5 and EN2 and Policies DME4, DMG1 and DMG2 of the Ribble Valley Core Strategy.

- I.6: In response to the previous refusal, a review of the site and the previous extension to the house was undertaken and the alternative proposal for the house was put forward as a stand-alone application.
- I.7: This proposal (subject to this appeal) seeks only the extension and conversion of the outbuildings in order to enhance the living accommodation of the farmhouse. A review of the scale, materials, use of glazing, and layout were undertaken along with a review of the significance of the heritage asset in order to determine the level of any harm occurring.

DESCRIPTION OF DEVELOPMENT

- I.8: The development subject to this appeal seeks the following:
- Conversion of outbuilding 1 to a dining room, pantry and cloakroom;
 - Conversion of outbuilding 2 to a utility and wc;
 - A link between Outbuilding 1 and the farmhouse to create a kitchen and re-use of the existing doorway from the North entrance yard;
 - A link between Outbuilding 1 and 2 to connect the converted spaces;
 - Re-construction of the modern concrete outbuilding to provide storage for game;
 - Re-construction of the brick and corrugated asbestos lean-to (south end of Outbuilding 1) with matching stonework and slate roof;
 - Farmhouse kitchen: Removal of dilapidated kitchen units, redecoration with appropriate breathable heritage paints and refurbishment of the kitchen window to provide a ground floor bedroom;
 - Re-positioned boiler - to prevent fire risk within the Listed property; and
 - General repairs to the listed prospect.

- I.9: The design has sought to limit impacts to the setting and significance of the listed building whilst also ensuring appropriate design in terms of massing, materials, and form.
- I.10: The proposal to convert the outbuildings to residential use provides a permanent use for these buildings and prevents them from further decay and eventual collapse. As part of the farmstead, they form an integral part of the understanding of the whole group and impact on the Listed Building and the setting of the Listed Building.
- I.11: The new links between the outbuildings and the farmhouse constitute a modern intervention but have been designed to have a minimal impact on the fabric of the listed building, and on the comprehension of the whole group. This is evidenced by the low roof forms of the links and the recessed position of them in relation to the primary elevations of the listed building and the overall wall lines of the existing outbuildings. It is of note that none of the proposed new link areas project forward from an existing elevation and as such do not extend the existing farmstead group outwards. The extension to the existing property has been scaled back to ensure that the extension does not project forward of the existing principal elevation.

BENEFITS OF DEVELOPMENT

- I.12: The development will bring with it a number of benefits which are of consideration in the determination process. These benefits include:
- Finding an optimal and viable use for the outbuildings and the enhancement of the listed farmhouse and wider farmstead setting;
 - Preserving the buildings which would otherwise run into further disrepair and risk of collapse;
 - The reuse of the outbuildings on previously development land;
 - The visual enhancement of the site within the AONB through the repair and sensitive design of the outbuildings and the link structures;
 - Enhancement of the living quality of the family that occupy the dwelling; and
 - Repairs to the listed farmhouse ensuring its long term and sustainable future.

2. ADOPTED DEVELOPMENT PLAN

2.1: The Development Plan policies that are relevant to the development are found in the Ribble Valley Core Strategy 2008 – 2028. The key Local Policy local policies from the plan that are considered to be of relevance to this appeal are set out below.

Key Statement EN5: Heritage Assets

2.2: 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.

2.3: This will be achieved through:

(non-relevant bullet points deleted)

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.

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.

2.4: RSL comment: The proposed development will ensure the viable and sensitive conversion of the outbuildings which will enhance and benefit the listed farmhouse. The proposal satisfies the relevant criteria noted in the policy and as demonstrated through the assessment of harm and significance in the Heritage Assessment.

Key Statement EN2: Landscape

2.5: The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced. As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.

- 2.6: RSL comment: The proposed development is contained to the conversion of the existing outbuildings plus glazed extensions adjoining the Blackhouse Farmhouse. The site is well screened and contained from views beyond the farmstead, as the site is enclosed by existing barns and development to its north, east and south, and a significant landscape belt to the west. As such the proposal will not result in any negative impact upon the surrounding landscape or AONB. The choice of materials is sensitive to the existing historic fabric on site. The sensitive reuse of the outbuildings will enhance this part of the AONB through finding a long-term use of the outbuildings.

POLICY DME4: Protecting Heritage Assets:

- 2.7: 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.
- 2.8: RSL Comment: It is set out robustly in the heritage assessment that the development proposal will enhance the listed farmhouse and the traditional farmstead setting through finding a viable use for the outbuildings which would otherwise fall into a further state of disrepair and be lost in the future. The development proposal will in many ways provide benefits and enhancements to the listed farmhouse which on balance leads to the proposal resulting in a less than substantial level of harm.

DMGI General Considerations:

- 2.9: In determining planning applications, all development must:

(Non relevant criteria deleted)

Design

1. Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building in 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.

Environment

3. All development must protect and enhance heritage assets and their settings.

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.

2.10: RSL Comment: A detailed review of the previous application was been undertaken and it is considered that the revised proposal represents a high quality and sensitive scheme that reuses existing buildings without extensive alterations. The design of the link structures allows the historic fabric of the outbuildings to remain visible and retains the character of the buildings. The proposal satisfies and meets the requirements of this policy.

Policy DMG2 Strategic Considerations:

2.11: Included within Policy DMG2 is the following requirement:

In protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social wellbeing of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB management plan should be considered and will be used by the council in determining planning applications.

2.12: RSL Comment: The proposed development complies with this policy by seeking the conversion of existing outbuildings, which is supported by the Development Plan. The choice of materials and scale of the link extensions are intended to be a light touch approach to ensuring the viable reuse of the outbuildings and in doing so enhancing the listed farmhouse in the AONB. Restoring and rebuilding the outhouses will enhance the AONB through positive investment in the site and protection of the heritage asset.

FOREST OF BOWLAND AONB MANAGEMENT PLAN

2.13: The vision for the Forest of Bowland AONB Management Plan seeks to retain its sense of local distinctiveness, notably the wide open moorland character of the Bowland Fells, undulating lowland farmland, clough woodlands, traditional buildings and the settlement patterns of its villages, hamlets and farmsteads. The

reuse and repair of the outbuildings will restore and enhance the character of this historic farmstead and ensure the viable long term protection of it within the AONB.

NATIONAL POLICY CONSIDERATIONS

2.14: Paragraph 176 requires the planning system to recognise the intrinsic character and beauty of the countryside.

2.15: Paragraph 176 is concerned with the determination of planning applications in areas subject to protective landscape designations, including Areas of Outstanding Natural Beauty (AONB). The paragraph states that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest standard of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

2.16: The proposed development does not constitute 'major' development by virtue of its limited scale and reuse and conversion of existing buildings within the AONB. The proposal satisfies the guidance set out in paragraph 176 as the reuse of the outbuildings will assist in the preservation of the historic farmstead that sits within this part of the AONB.

2.17: Paragraph 199 of the NPPF 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 (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.

2.18: Paragraph 202 continues to state that 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.

2.19: Further consideration of these national policies are included within the Heritage Assessment. However, in summary it is deemed that the proposal will lead to 'less than substantial harm' but there are a number of benefits that weigh in favour of the proposal (see above).

3. GROUNDS OF APPEAL

- 3.1: As advised in section 1, the applications to which this appeal relates were refused under delegated powers by officers at Ribble Valley Borough council on the 1st July 2021 for the following reasons:

Householder application ref 3/2021/411:

The proposal is harmful to the special architectural and historic interest and setting of the listed building and the cultural heritage of the Forest of Bowland AONB because of the loss of important historic fabric (new openings; window altered to door) and the prominence, incongruity and conspicuousness of new build (including glazed links) in respect to important architectural features and forms, the spaces between buildings and harmonic agricultural setting. This is contrary to Key Statements EN5 and EN2 and Policies DME4, DMG1 and DMG2 of the Ribble Valley Core Strategy.

Listed Building consent application ref 3/2021/0412:

The proposal is harmful to the special architectural and historic interest and setting of the listed building because of the loss of important historic fabric (new openings; window altered to door) and the prominence, incongruity and conspicuousness of new build (including glazed links) in respect to important architectural features and forms, the spaces between buildings and harmonic agricultural setting.

- 3.2: This appeal statement addresses both refused applications and addresses:

- i) The impact of the development on the Forest of Bowland AONB; and
- ii) The impact on the Listed Building and its immediate setting.

- 3.3: This will enable analysis of both refusals and allow the specific details of each to be assessed individually and collectively.

- 3.4: Contrary to the reasons for refusal on both the householder and Listed Building application, it is considered that the scheme is sensitive to both the listed asset and the surrounding AONB context.

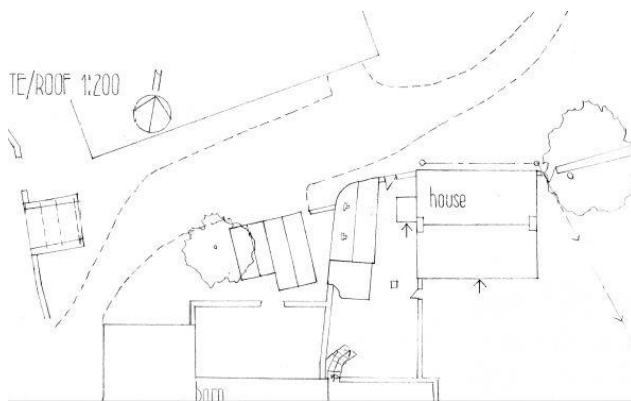
GROUNDS OF APPEAL ONE – THE PROPOSAL WILL NOT HARM THE CULTURAL HERITAGE OF THE FOREST OF BOWLAND AONB

Retention of the whole group

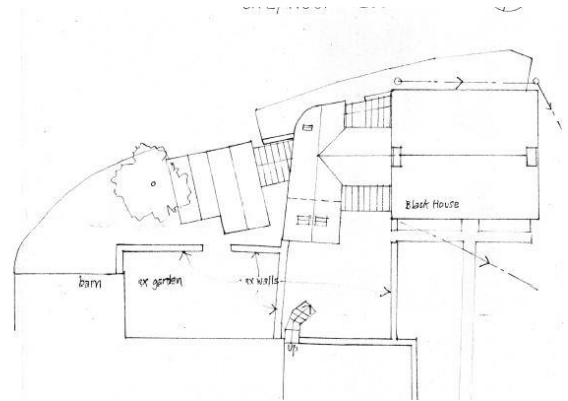
- 3.5: Government guidance relating to AONBs provides a useful non-technical definition: “Natural Beauty” is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries. The ‘history’ importantly involves the

evolution and reuse of buildings within a farmstead to new uses and bringing back underused and vacant buildings back into viable use.

- 3.6: The cultural heritage of the Forest of Bowland AONB relies on the retention, repair and continued use of its heritage for future generations and for the enjoyment and understanding of the AONB.
- 3.7: Blackhouse Farmhouse forms a linear group made up of the farmhouse, its farm buildings, garden and yard. As such, an important part of its cultural heritage is contingent upon the retention of these as a whole entity and their inherent character, materials and form. Should the outbuildings fall further into disrepair, the whole heritage group could be negatively impacted and similarly, the cultural heritage of the AONB will also be detrimentally affected.



Existing site plan



Proposed site plan

Impact on the special architectural and historic interest of the Listed Building and how this can affect the AONB

- 3.8: The Heritage Impact Assessment submitted with the planning application has explained thoroughly that the impact is 'less than substantial' and this is outweighed by the significant positive benefits of the proposals. The proposed design is a sensitive conversion of the existing historic properties and does not reduce or alter the understanding of the original house and its steading. As such, the defining characteristics of the heritage asset are retained, benefitting the Listed Building and the AONB.

The wider setting

- 3.9: Blackhouse Farmhouse and steading are screened to the north, east and south by existing buildings (which are sizeable agricultural buildings) and established tree planting to the west. As such, wider views from the AONB to the steading are negligible and although this is not seen as a primary factor to support the proposals, it is nevertheless a contributory factor to consider as part of the visual impact on the wider setting of the AONB.

- 3.10: In summary the reason for refusal with regards to the householder application is unsubstantiated and it is demonstrated that there is no harm upon the AONB. The proposal is not contrary to Policy EN2 of the Ribble Valley Local Plan and therefore the proposal should be allowed based on this ground of appeal.

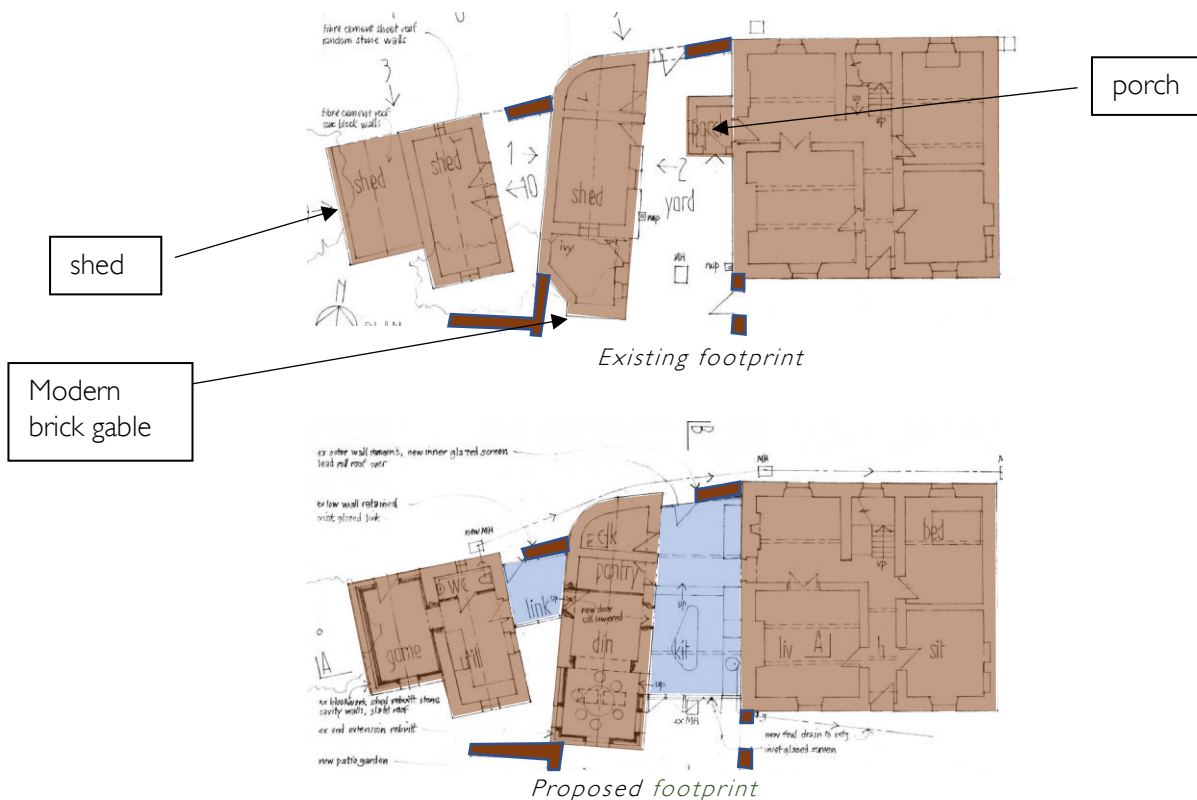
GROUNDINGS OF APPEAL TWO – THERE WILL BE NO HARM ON THE SPECIAL ARCHITECTURAL AND HISTORIC INTEREST OF THE LISTED BUILDING.

- 3.11: The outbuildings are retained and where minor alterations are proposed, these are of a minor nature that will not significantly alter the historic fabric, the group or how the buildings are understood.
- 3.12: Critically, all existing features such as lintels and quoins are being retained in situ and where one window is being altered to become a door, this intervention retains the existing position of the opening and lowers the cill to threshold level. This minor intervention allows for the practical use of the outbuilding whilst retaining its overall form and materiality.
- 3.13: The proposal incorporates a largely glazed infill link between the main house and the adjacent outbuilding. The link is set back from the corners of both buildings on the primary elevation and is set behind the existing boundary stone wall on the north elevation. In plan, the link is therefore subservient to the existing buildings. In terms of the elevations, the proposed link is subservient to the farmhouse and the outbuildings, with a lower eaves and ridge. This results in a 'light touch' proposal that allows the existing form of the buildings to be retained and easily read. As such, it is neither prominent nor inappropriate.
- 3.14: It is an accepted method of design, supported by SPAB and Historic England, that 'new' and 'old' are clearly legible. Consequently, where new extensions are proposed to historic buildings there should be no confusion in the materials, design, and form. Extensions designed as simple forms in contrasting materials can act as a background 'blank canvas' to the existing building and this allows the heritage asset to be the primary focus. Some may view this as 'incongruous' however, it is this difference which retains the legibility of the existing buildings and their grouping and allows their quality, age and materials to be appreciated.
- 3.15: There are two locations where the external space between the outbuildings has been impacted by the proposals but in both instances, the original form of the buildings is legible. The comparison floor plans below show a small, glazed link that retains the form and footprint of both barns and retains existing openings, allowing them to be seen both externally and internally. The second link is the larger infill between the farmhouse and the adjacent barn. Despite its larger size, this infill extension is set behind the front boundary wall, retaining its existing doorway, and is set back from the corner of the main house. Critically, this proposal allows for the badly repaired modern brickwork to the Southern gable of the outbuilding to be replaced with matching stonework and slate roof.

As such, the proposal allows for a much-needed repair that will be of benefit to the historic fabric and enable the original buildings to be used in perpetuity.

3.16: It could be argued that by linking the outbuildings, the way in which the buildings were used historically will be altered. However, the design has carefully considered these factors and sought to ensure that the existing facades are clearly legible and that the glazed links allow them to be perceived internally and externally. The way these buildings were used in historic times no longer exists and current and future owners are unlikely to revert to using them for their original purposes. It is therefore of particular importance that they are given a new use that is compatible with the existing farmhouse and steading.

3.17: The current north view of the external space between the outbuildings is hidden by high stone walls. As such this external space is not understood or perceived from this perspective. The proposed infill extensions are unlikely to change this since the roof forms are largely hidden behind the stone walls and are set back from it. Consequently, any views of the new pitched roof will be seen adjacent to the pitched roof of the outbuildings and as such, will appear appropriate.



3.18: The existing floor plan above shows the porch, which is an unsympathetic, masonry, flat-roofed structure tacked onto the side gable of the house. This porch allows damp into the existing property at the junction of the roofs. The removal of this structure will be of benefit to the existing listed property.

- 3.19: The shed on the west side of the group is currently a block-built structure with a corrugated fibre cement roof which is detrimental to the whole group. This structure is not an infill and therefore its proposed replacement is a masonry structure with matching stonework and slate roof on the same footprint as the existing building. This will enable this building to have a permanent use (as a cold store) and will remove an unsightly and badly built structure.
- 3.20: The listed farmhouse will benefit from these proposals by virtue of the retention and repair to the outbuildings. The historic grouping will be given new life and as a direct consequence, the setting of the listed farmhouse will also be maintained for the future.
- 3.21: The precedence and importance of the farmhouse is not diminished because of the proposed design. The primary façade facing south (and its garden and garden walls) are further forward than the outbuildings and the infill extensions. A high garden wall running along the west boundary of the garden ensures that the house and garden are in the foreground with the outbuildings very much hidden behind the wall.
- 3.22: The conclusions within the supporting Heritage Impact Assessment submitted with the planning application, and as agreed by the Council in their determination of the application, was that the harm on the listed asset was 'less than substantial'. Therefore, the public benefits must be taken into consideration.

Benefits and Mitigation:

- 3.23: The benefits that would be delivered as a result of the proposed development are set out at paragraph 1.12 of this Statement.
- 3.24: These benefits include those of social benefit to the occupiers of Blackhouse Farm who are seeking to create a family home within the listed building; but also, the wider public benefit which is the enhancement and reuse of the buildings within the farmstead for future generations to enjoy.
- 3.25: The listed farmhouse requires some repair and refurbishment. In particular, the current boiler is a significant fire hazard and should be replaced immediately and relocated to a safer area that is not underneath the historic timber stair. These improvements and repairs can be carried out as part of the works to the outbuildings and will be of significant benefit to the heritage asset. An examination of the building was carried out and photos demonstrate the areas where work is required and the position of the boiler.
- 3.26: Mitigation proposals have been addressed as part of the proposal and these should be carried out as part of any approval. These provide a robust method of limiting the minor impacts and ensuring that the history of the buildings is recorded for the future. This will be a benefit to the understanding of the property and to the cultural heritage of the AONB.

3.27: In summary it is considered that the reason for refusal as noted on the decision notices are unsubstantiated and the proposal does not cause harm to a listed asset of a degree so harmful as to outweigh the significant benefits that the reuse of the outbuildings will have upon the farmstead and bringing these buildings back into beneficial use.

4. CONCLUSIONS

- 4.1: Overall, the proposed development is considered to cause 'less than substantial' harm on the significance of the designated heritage asset and its setting. The benefits of the proposed development are significant and comply with Local and National Policy and concur with relevant guidance from Historic England. The minor harm caused to the asset could be lessened by the mitigation measures suggested in the heritage report and by the significant benefits inherent in the proposals. This would reduce the harm to an overall neutral impact on the farmstead.
- 4.2: The proposed design is a sensitive conversion of the existing historic properties and does not reduce or alter the understanding of the original house and its steading. As such, the defining characteristics of the heritage asset are retained, benefitting the Listed Building and the AONB.
- 4.3: The design has carefully ensured that the existing facades are clearly legible and that the glazed links allow them to be perceived internally and externally. The way these buildings were used in historic times no longer exists and current and future owners are unlikely to revert to using them for their original purposes. It is therefore of particular importance that they are given a new use that is compatible with the existing farmhouse and steading.
- 4.4: The reasons for refusal have not taken into account the detail and consideration within the design nor the important benefits that the proposal brings to the steading and the mitigation measures proposed.
- 4.5: The appeal proposal fulfils the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in conformity with both extant local plan policies and national planning policies contained in the National Planning Policy Framework.
- 4.6: For these reasons we respectfully request that the Planning Inspectorate allows both the householder and Listed Building appeals.

APPENDIX I – LIST OF CORE DOCUMENTS

- Application Form
- Supporting cover letter
- Heritage Statement
- Site layout drawings;
- Case Officer reports to 3/2021/0411 and 3/2021/0412.
- Decision notices 3/2021/0411 and 3/2021/0412.

APPENDIX 2 - COSTS APPLICATION

National Planning Practice Guidance¹ includes guidance on the award of costs against appeal parties.

Costs may be awarded where:

- A party has behaved unreasonably; and
- The unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

Paragraph: 030 Reference ID: 16-030-20140306

The word “unreasonable” is used in its ordinary meaning, as established by the courts in *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774. Unreasonable behaviour in the context of an application for an award of costs may be either:

- Procedural – relating to the process; or
- Substantive – relating to the issues arising from the merits of the appeal.

Paragraph: 031 Reference ID: 16-031-20140306

The NPPF is clear at paragraph 38 that:

Local planning authorities should **approach decisions on proposed development in a positive and creative way**. They should use the full range of planning tools available, including brownfield registers and permission in principle, **and 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.

Through the course of the revised application, dialogue was sought with the case officer to discuss the revised application and to engage positively with the Council. Despite repeated requests and invitations to the case officer to discuss the application these requests were not acknowledged. See attached email chain

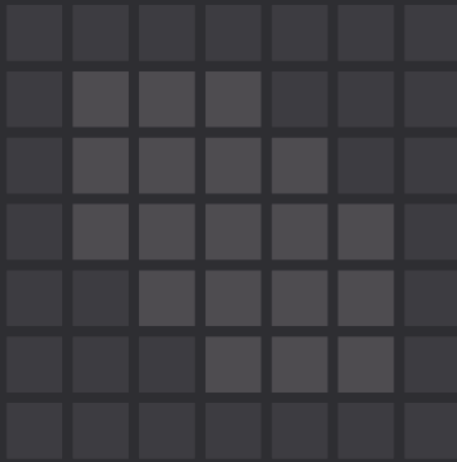
It is considered that no opportunity was given to discuss the design of the proposal and to discuss the heritage impact, leading to the refusal of the application.

¹ <https://www.gov.uk/guidance/appeals#behaviour-that-may-lead-to-an-award-of-costs-against-appeal-parties>

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