

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**APPLICATION UPON WHICH COMMITTEE DEFER THEIR APPROVAL
SUBJECT TO WORK DELEGATED TO THE DIRECTOR OF
DEVELOPMENT SERVICES BEING SATISFACTORILY COMPLETED**

DATE: 9 SEPTEMBER 2010
REF: AD/JS
CHECKED BY:

APPLICATION NO: 3/2009/0975/P (LBC) (GRID REF: SD 377641 448621)
PROPOSED DEMOLITION OF TALL STONE BARN WITHIN THE CURTILAGE OF BOLTON
PEEL FARM. THIS IS FOR SEVERE STRUCTURAL AND SAFETY REASONS AS THE BARN
IS IN A DANGEROUS STATE AT BOLTON PEEL FARM, BOLTON-BY-BOWLAND

PARISH COUNCIL: No representations have been received.

ENGLISH HERITAGE: (14 June 2010) To the south west of the farmhouse is a second traditional barn. Built in a combination of slate and local grit stone, this structure probably dates to the early 19th Century or earlier. It has been altered in the past presumably to reflect changing agricultural practices and requirements.

Although not individually listed, the barn to the south west of Bolton Peel Farmhouse contributes strongly both to the group value of the evolved farmstead and to the character of the local area. It may be deemed to lie within the curtilage of the Grade II* listed farmhouse and certainly to contribute both to the setting of the farmhouse and to the understanding of the immediate landscape. The barn represents a significant element of the farmstead through its local vernacular style and traditional materials.

The HELM website advises about the value of historic farmbuildings and the contribution they play both to our understanding of this finite and threatened resource, and to our locally distinctive landscape:

"Historic farm buildings make a fundamental contribution to the landscape character and local distinctiveness of rural areas and are vital to our understanding of the development of agriculture and today's settlement patterns."

Historic farm buildings also provide an important economic asset to modern farm businesses, often continuing in use on the farm. Where they have become redundant, they can provide a high quality environment for new businesses or housing through adaptive reuse, helping to alleviate build pressure on green field land and reducing the demand for new buildings in sensitive rural areas."

It is the responsibility of owners of statutorily protected historic buildings (and associated structures) to maintain their property in a state that is not detrimental to the future survival of the building or to its architectural and historical significance. Condition is therefore not necessarily taken into account in applications for demolition.

If deemed to lie within the curtilage of either of the listed structures then it would be necessary to undertake a valid and thorough marketing exercise to establish whether an alternative owner or use for the building could be found prior to permission being granted for demolition as stated in PPS5 HE9.3. English Heritage understands that the condition of the barn has prompted this application and it notes the submission of the structural report by RG Parkins and Partners Limited. English Heritage would, therefore, appreciate the opportunity for a English Heritage structural engineer to visit the site to make an independent assessment of the condition of the barn.

Importantly, English Heritage note that no financial assessment of the barn has been included in the application. The structural report contains assertions that *"the costs.. are considered to be potentially quite considerable"* and that *"such a scheme, in our view, would prove to (sic) prohibitively expensive."*

However, before permission for demolition is granted on the grounds of the cost to repair the barn in its current condition, English Heritage would expect the submission of a schedule of repair works and full associated costings. Again, English Heritage would like to request the opportunity to have these figures assessed by an English Heritage quantity surveyor.

English Heritage does not support the application for the demolition of the barn at this stage. English Heritage wish to engage with the applicant in making an independent assessment of both the condition of the barn and the potential repair costs.

(Informal comments 28 July 2010) The English Heritage barn specialist, listing team and legal team have now been consulted.

The English Heritage legal team are doubtful whether it could be argued that the barn is within the curtilage of the farmhouse – which turns its back on the working farm buildings and has a clearly defined garden curtilage wall. It may be possible to argue that the barn is in the curtilage of the listed barn – which was apparently altered around the same time, but this is not assured. Would be hard pressed to ask the listing team to invest resources in looking at this case as a priority.

The barn, known as the Tall Barn is a good example of a (probably early) 19th century embanked barn. This type of structure originated in Cumbria in the 17th century but gradually spread south into Lancashire. By the 17th Century they were found widely throughout northern Lancashire but were less common in the south of the county. The watershot masonry is a traditional local feature, however the outside stair to the north elevation is unusual. The internal brick piers and stall separators all appear to be original. The barn forms an integral part of the historic farmstead at Bolton Peel and is of architectural and historic interest as a good example of its type of traditional farm building. Its loss would be regrettable in terms of the individual building, in terms of being detrimental to the setting of the listed farm buildings, and in terms of being detrimental to the traditional agricultural landscape of this part of Lancashire. This effect is particularly pertinent as the Tall Barn is highly visible from the adjacent road.

The Tall Barn is currently unlisted.

Embanked barns are not that uncommon in north Lancashire, however only 3 are currently listed meaning that as a building type they are not well protected. This particular example may be considered for listing if it could be demonstrated that the barn is pre-1840 in date (for example from map evidence) however its current condition would not weigh in its favour.

It is doubtful whether it could be argued that the barn is within the curtilage of the farmhouse which turns its back on the working farm buildings and has a clearly defined garden curtilage wall. It may be legitimate to view the barn as in the curtilage of the listed barn – which was apparently altered around the same time – but this would depend upon the function of the Tall Barn being demonstrably ancillary to the role of the listed cruck barn.

English Heritage's structural engineer does not have any fundamental disagreement with the structural report provided by the applicant. He observed signs of cracking and/or distortion on all four walls associated with lateral movement of the walls due to insufficient restraint and confirmed that concern about the structure's overall stability is justified. Glass telltales are present on a number of cracks, and while some are fractured with hairline cracks, others are not. This might indicate that movement is ongoing but at an almost insignificant rate. In its current condition he concluded that the building has the potential to collapse although putting a timescale to such a collapse is not possible.

While English Heritage recognise the issues faced by the current condition of the barn, for the reasons of significance outlined above, English Heritage would not wish to see this building lost.

The English Heritage engineer suggests installing a system of monitoring for any further movement to the outwardly bulging south wall. If any signs of movement are detected, then it is recommended that the area be vacated immediately and barriers erected to secure an exclusion zone.

It is also advised that if the walls are to be prevented from collapsing at some time in the future, they need to be secured to a new internal frame. If scaffolding companies are willing to enter the barn it should be possible to insert a fully braced scaffold to which the exterior walls could be tied using push-pull props secured through the walls. However, while removing the risk of collapse, this scaffold would effectively prevent any use of the barn.

A more permanent frame might comprise a braced structural steel frame supporting at least two internal floor levels (first floor, second floor, and eaves level bracing). Such framing may take the form of 12 columns inter-connected by a rectangular grid of beams with cross braced bays to each elevation and floor plate. The assembly would be on a reinforced concrete raft slab. This would have to be undertaken with the scaffold in place.

Tied back to this internal frame, walls could be repaired (the bulge to the south wall would have to be rebuilt after the rest of the building has been restrained) and grouted as necessary.

Such work would require a consultant engineer with vast experience of working with historic buildings, or a demolition contractor familiar with propping damaged buildings.

The cost of undertaking this work has been estimated by English Heritage's quantity surveyor. A significant cost relates to the temporary support required whilst the floor slab and steel work is inserted. No cost has been allowed for any exceptional risk additions that may be included by the tenderers for this work. Based upon current rates (3rd Quarter 2010), excluding fees and VAT, the budget cost is in the order of £125,000 with a potential risk element of an additional £16,000 depending upon the detailed analysis of the temporary support required.

It is recognised that the Tall Barn is considered by the tenant farmer to be unsuited to modern mechanised farming methods. The location of the barn (essentially at the heart of the farmyard) makes other uses such as residential, office or holiday let, problematic. Funding for the repair will therefore be difficult to locate.

English Heritage would, however, strongly urge the owner to take up the offer of applying for an HLS grant from Natural England which is designed to step in in exactly these sorts of cases, ie where a building is a good local example of a traditional farm type but does not necessarily meet the criteria for designation and its repair costs will not readily be met by economic viability or other funding sources. In this way it may be possible to repair the Tall Barn and to retain it as a feature of the local area until such time as a viable use may be found for it.

LCC (ARCHAEOLOGY):

A building of a similar size and orientation as that proposed for demolition can be seen on the 1st Edition 1:10560 Ordnance Survey surveyed in 1847 (Yorkshire Sheet 165). The building is therefore considered to be of some historical interest, most likely dating from the first half of the 19th Century or earlier, having undergone a number of changes in response to changes in agricultural practice and economics.

The Council for British Archaeology "An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy" has indicated that *"there is an urgent need for all local authorities to ensure that farm buildings undergoing adaption are at least considered for recording"* (Page 140) so that *"original dates of farm buildings can be derived and variations across the region examined"*. (Ibid).

Consequently, should the local planning authority be minded to grant planning permission to this or any other scheme, Lancashire County Archaeology Service would recommend that an archaeological record of the building be secured (a condition is suggested).

**THE SOCIETY FOR THE
PROTECTION OF ANCIENT
BUILDINGS:**

Note that there was no design and access statement included with the submitted application.

This barn forms a distinct and robust element to the grouping of the buildings within the historic farmstead and especially provides a strong visual presence to the group as viewed from the road travelling north. Its construction with local materials and in a local style adds to its interest.

The structural engineer's report highlights telltale markings on the building, which suggests that the cracking and movement of the barn was being monitored previously. If the owner has this information then it should be reviewed to understand whether the movement in the building's structure is ongoing or historic. The report does not appear to rule out repair as an option but rather suggests that it would be prohibitively expensive to do so. Demolition appears to have been justified predominantly for economic reasons. The owner may be interested to know that grant aid may be available from Natural England for the repair of this barn.

In the application it proposes demolition must be considered fully against the criteria set out in PPS5. Section HE9.1 requires clear and convincing justification for the loss of a heritage asset and Section HE9.2 sets out the criteria against which loss of the heritage asset must be demonstrated.

It is vital to ensure that all possibilities of preserving the historic fabric of the building are investigated fully first. Demolition must be considered as the last and only option available. The Society believes that demolition of the barn is not justified and therefore objects to the application.

**ANCIENT MONUMENTS
SOCIETY:**

The tall barn is an impressive structure and part of an important group. Although not listed in its own right it perhaps ought to be considered for listing. In any event its demolition would mean the loss of a building of some intrinsic interest and damage to the significance of the group as a whole.

Therefore, the Ancient Monuments Society object to this proposal. The structural engineer's report is noted which suggests that repair would be expensive. This opinion ought to be tested by considering all possible repair options and the means by which they could be part of a scheme for reuse. Without compelling evidence that there really is no other option to demolition, the Ancient Monuments Society cannot advise your Council to approve this application.

**RVBC (COUNTYSIDE
OFFICER):**

A species protection condition is suggested.

**ADDITIONAL
REPRESENTATIONS:**

No representations have been received.

Proposal

Listed building consent is sought for the demolition of the bank barn. The application form states that this is for health and safety reasons because the building forms part of a working farm. The application includes a structural report which concludes that:

1. It appears that at some stage in its history the whole barn has had its height raised by approximately 2m. This has resulted in the upper level having an unusually high "first" floor to eaves level. In order to maintain this configuration then all walling requires to be in reasonable condition. The higher/greater the height to wall thickness ratio then the more vulnerable the structure becomes to the stress caused by cracking/movement.
2. The gable wall is in very poor condition and the bulging is at the stage where any further outward movement may lead to catastrophic collapse.
3. To attempt tie back the west gable wall and to restrain against further outwards movement is not practical in this structure. A major problem is the lack of lateral restraint currently and the difficulty in attempting to provide a system to allow such restraint.
4. If the gable wall is taken down then the roof will have to be removed first, the side walls adjacent will need propping before this as the extent of the cracking therein may lead to collapse of those side walls.

The structural report concludes that:

1. The west gable wall to the barn is in such a condition that something requires to be done urgently to ensure against the danger of collapse.
2. The costs involved in taking the roof off, rebuilding the gable wall, wholesale propping and partial rebuilding of the side walls and the provision of a new upper floor are considered to be potentially quite considerable.
3. The barn and the west gable in particular should not be left in the current condition. It is recommended that a controlled demolition of possibly the whole barn is undertaken in order to make the area safe. Otherwise, if part demolition is carried out then this should be with significant temporary works protecting the remaining structure. A scheme to part rebuild and make good should be agreed in outline before proceeding to demolition, in order to agree its viability. Such a scheme in our view would prove too prohibitively expensive.
4. Take down the barn and rebuild/replace the structure.

Site Location

Bolton Peel Farm is a very prominent and interesting historic farmstead immediately adjacent to the Sawley/Bolton-by-Bowland road and within the Forest of Bowland Area of Outstanding Natural Beauty. Bolton Peel Farmhouse is a Grade II* listed building of the 17th Century. 13m to the north of Bolton Peel Farmhouse is a Grade II listed barn with walls possibly from the early 19th Century and containing crucks of the 17th Century or earlier (the list description states this

barn is "listed for group value only"). To the front of Bolton Peel Farmhouse is the Grade II listed Bolton Peel Cross (medieval base). Immediately to the west of the farmstead is a moated site which appears on the County Sites and Monuments Record.

The bank barn is at one extremity of an "L" shaped collection of historic farm buildings immediately to the south of the farmhouse and the cruck barn. Historic maps suggest these ranges formed two sides of a square courtyard up until the demolition of other wall enclosures in the 20th Century. The bank barn is the most prominent feature of the farmstead on the public approach from Sawley.

Relevant History

3/2009/0396/P – Demolition of lean-to livestock building within the curtilage of the listed building. Listed building consent granted 14 July 2009.

3/2007/0601/P – New build general purpose agricultural building. Planning permission granted 24 August 2007.

3/2002/0563/P – Proposed livestock building. Planning permission granted 15 August 2002.

3/98/0523/P – Extension to steel portal frame building to convert remainder of silage clamp into livestock accommodation. Planning permission granted 10 September 1998.

3/98/0394/P – Erection of steel portal frame roof over existing silage barn to convert to livestock accommodation. Planning permission granted 20 July 1998.

3/94/0471/P – Provision of additional slurry store. Planning permission granted 9 September 1994.

3/94/014A – Open concrete walled/concrete floored slurry store. No objections issued 25 May 1994.

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning for the Historic Environment (PPS 5).

Heritage Environment Planning Practice Guide (HEPPG).

Policy ENV19 - Listed Buildings (Setting).

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Environmental, AONB, Human Rights and Other Issues

The main consideration in the determination of this application is the status of the bank barn with respect to the grade II* and grade II listed buildings on the site and Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The latter states that:

(5) In this Act 'listed building' means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act –

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948,

shall be treated as part of the building.

Whilst apparently straight forward this section has been subject to considerable legal interpretation. The now defunct PPG15 (1994) stated that:

3.33 The listing of a building confers protection also on any object or structure within its curtilage which forms part of the land and has done so since before 1 July 1948. Following recent case law, the Secretary of State for National Heritage has attempted to consider individually all the structures and buildings on a site which can be construed as separate buildings and to list those which qualify for listing. There will still be circumstances, however, where a structure or building forms part of land which surrounds or is connected to or serves a listed building, and landowners and local planning authorities will need to consider on the facts of each case whether it forms part of the land and falls within the curtilage of the listed building.

3.34 The principal tests as to whether an object or structure is within the curtilage of a listed building relate to the physical layout of the land surrounding the listed building at the date of the statutory listing and the relationship of the structures on the surrounding land to each other. Changes in ownership, occupation or use after the listing date will not bring about the delisting of a building which formed part of the principal building at the date of listing. The courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building. Where a self contained building was fenced or walled off from the remainder of the site at the date of listing, regardless of the purpose for which it was erected and is occupied, it is likely to be regarded as having a separate curtilage. The structure or building must still form part of the land, and this probably means that there must be some degree of physical annexation to the land.

3.35 Considerations which may assist local planning authorities in forming their own views, or giving advice if requested, include:

- The historical independence of the building;*
- The physical layout of the principal building and other buildings;*
- The ownership of the buildings now and at the time of listing;*
- Whether the structure forms part of the land;*
- The use and function of the buildings, and whether a building is ancillary/or subordinate to the principal building.*

3.36 It is always necessary to recognise, however, that the question of whether a building, structure or object is within the curtilage of, or is fixed to, the principal building, unless specifically included in the listing, is in any particular case a matter of fact and ultimately a matter for the courts. Great caution must, therefore, be exercised in attempting to extrapolate any general principles from recent decisions and this guidance does not purport to be definitive.

A recent High Court decision is very relevant to the consideration of whether farmstead buildings are part of a farmhouse listing. Mike Harlow, Legal Director of English Heritage, comments on R v Taunton Deane Borough Council (2008) All ER (D) (Oct) in English Heritage's Conservation Bulletin, Issue 61: Summer 2009.

The high court examined Jews Farmhouse (Grade II) Near Wiveliscombe in Somerset and its nearby Mill Barn (not separately listed but pre-1948)... The key point of interest was the way the judge approached function and use.

Mill Barn was being used as a farm building at the date of listing. The farmhouse was used as a house and the hub from which the agricultural business of the farm was being conducted...

The judge rejected the argument that the farmhouse and Mill Barn were functionally so close that the curtilage should be drawn around all the farm buildings at the heart of the farm. He accepted that the farm was being run from the farmhouse at the date of listing, but did not believe the whole of the farm and all of the agricultural buildings could be sensibly regarded as being within the curtilage of the farmhouse on that account.

The primary use of the farmhouse was as a house. The primary use of Mill Barn was agricultural business. It was not being used, for example, to garage the farmer's car, to store his domestic items, as a children's playroom or staff quarters etc.

So Mill Barn was outside the curtilage and not listed...

Although the layout of the buildings, their distance apart and the existence of physical boundaries between them were also factors in this decision, it is hard to see why this functional distinction would not weigh heavily in all farm cases, even where the buildings were very much closer and no boundaries between them existed.

I am in total agreement with the comments of English Heritage, the Ancient Monuments Society, the Society for the Protection of Ancient Buildings and Lancashire County Council (Archaeology) in respect of the importance and significance of the bank barn to this historic site. However, the case for considering the bank barn to be listed appears weak. Mindful of the working farmyard location and potentially dangerous structural condition of the barn I would not, therefore, recommend refusal of the listed building consent application. The Borough Council's Conservation Officer has discussed the case and potential funding sources with Natural England and subsequently encouraged (unsuccessfully) the agent to reconsider application for Higher Level Scheme grant funding.

In my opinion, the extent and nature of the proposed demolition and the objections from English Heritage and the historic amenity societies will require an intended grant of listed building consent to first be referred to the Secretary of State (Government Office North West).

SUMMARY OF REASONS FOR APPROVAL

The bank barn does not appear to be listed.

RECOMMENDATION: That the Director of Development Services be authorised to grant listed building consent for approval of demolition following referral of the application and proposed decision to the Secretary of State and subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. All recommendations contained in paragraphs 5.1 and 5.2 shall be followed in accordance with the details submitted in the bat survey undertaken on 5 May 2010 by Envirotech.

REASON: In order to minimise potential risk of harm to a protected species and to compensate for the loss of potential bat roosts.

3. No work shall take place on the site until the applicant, or their successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which must first have been submitted and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.