



Appeal Decision

Site visit made on 19 November 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/P2935/W/19/3230589

The Riding Farm, Riding Mill, NE44 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Findlay (Trustees of Riding Farm Settlement) against the decision of Northumberland County Council.
 - The application Ref 18/01246/FUL, dated 6 April 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the construction of two one and a half storey dwellings and alterations to parking and access arrangements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development upon:
 - The significance of Riding Farmhouse and associated agricultural buildings, including their setting; and
 - The living conditions of future residents, with particular regard to setback, outlook and light.

Reasons

Riding Farmhouse and associated agricultural buildings

3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building and/or its setting.
4. I note the submission of a Heritage Statement¹ and Historic Buildings Assessment.² Whilst the latter provides a useful descriptive analysis and synopsis of the physical components and evolution of the buildings, the document is more akin to a building recording, rather than a heritage statement that would be fully in accordance with paragraph 189 of the National Planning Policy Framework (the Framework). Such statements of significance should seek to understand the heritage values which derive from tangible and intangible elements, associations and relationships that make up the significance of the listing, including their setting, in order to understand the potential impact of the proposal on the significance. Neither the Heritage

¹ Heritage Statement by K Butler, Butler Haig Associates,

² Riding Farm, An Historic Building Assessment, December 2016, By Peter F Ryder

Statement or the Historic Buildings Assessment undertake this assessment of significance and hence are limited in aiding understanding of significance, or harm caused to this significance.

5. The appeal site is an undeveloped parcel of land that lies within the grounds to the west of Riding Farmhouse which contains a Grade II listed Farmhouse, and individually grade II listed barns, cow shed and gingang which form a steading to the main farmhouse. The historic buildings date predominantly from the eighteenth and nineteenth centuries. Whilst the group of buildings which make up the farmhouse and steading individually have significance in terms of their quality in materials and craftsmanship, and the relationship to their former form and function, there is also group value in that the buildings represent a good collection of a largely unaltered agricultural steading which allows an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. The buildings and the surrounding land have an intrinsic historic relationship that are experienced within the same context with the appeal site contributing to how the buildings are experienced and reinforcing their rural location, identity and setting.
6. An access to the subject site is currently provided by a small modern opening in the western boundary wall, which although recently altered and reconstructed to contain visibility splays, the stone wall and size of opening is authentic to the historic integrity of the site.
7. I note comments with regards to the development of Riding Grange nearby and that this development was judged as being of 'no harm' to the setting of Riding Farmhouse and associated agricultural buildings and that the legislation and development plan policies with regards to that assessment and this appeal remains unchanged. I have not been presented with any evidence which shows that the considerations regarding the assessment of harm in this case at Riding Grange is analogous to the considerations of the appeal site. As such I can only give this case limited weight in this appeal.
8. Whilst the farm building is orientated to face east and the development would essentially be to the west within what is now perceived to be the rear garden of the farmhouse, the appreciation of significance of the buildings should not only be confined to the eastern elevation as implied by the appellant's comments. The site is experienced as a collection of farm buildings and associated land surrounding that contributes to this significance and historic relationship. The development of the site via the proposed scheme would result in the further severance of remaining farmland which would result in a loss of historic association of the land to the collection of farm buildings.
9. Given that the farm buildings are the first component of historic built form appreciated from the approach from the west of the village, the proposed development would be placed in front of, and as a result of its height and visual bulk, would obscure the historic buildings and compete with the overall sense of the agricultural steading. The proposed buildings are very residential in appearance and have little relationship to the historic steading and would be a discordant addition to this group of historic agricultural buildings.
10. It is also noted that it is proposed to demolish a large section of stone walling to the western boundary to facilitate car parking, where space would be provided for the parking of four vehicles for the proposed development and

another driveway and vehicular entrance for two vehicles for the existing farmhouse. Whilst this wall may be reconstructed, its size of opening and material is in-keeping to historic walls found within the vicinity. The proposed opening is excessive and inauthentic to the local character and distinctiveness of the area. This, combined with the dominance of vehicular parking, surfacing, and residential paraphernalia associated with the proposed dwellings would give a largely domestic and urbanised appearance to this largely rural and agricultural setting.

11. That said, the development of the appeal site adversely affects the historic relationship and association of the buildings with the greater rural setting, and as such would be detrimental to the significance of the listed buildings via development within their setting.
12. Consequently, the proposed scheme would be contrary to the Tynedale District Local Plan (2000) (LP) Saved Policy BE22 (which seeks that development not to adversely affect the essential character or setting of a listed building), and Saved Policy GD2 of the LP (which amongst a number of design criteria, seeks development that is appropriate to the character of the site and its surroundings).
13. I therefore do not agree with the appellant's documents that 'no harm' would be caused to the significance of the listed buildings via development within their setting. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The benefits of the scheme were outlined in the original application documents and include the development of small sites and making effective use of urban land. The proposal would also deliver a further two family dwellings which would make a modest contribution to meeting housing need and support the limited facilities of the village, the school, as well as result in short term employment opportunities in the construction of the dwellings, and the contribution to local expenditure from future occupiers. These factors weigh in favour of the development.
15. I note references in the appeal documents that the proposed development would create significant investment to the upkeep and restoration of the listed buildings on site which would imply a form of 'enabling development'³. However, there is no evidence before me which would comply with Historic England guidance⁴ that would demonstrate that the development is necessary to ensure the conservation of the heritage assets on site. I am not convinced that the development is necessary to ensure the conservation of the historic buildings and as such I do not consider the development to be a form of 'enabling development.' As such I do not afford weight to this development being 'enabling development.'

³ 'Enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.

⁴ English Heritage (now Historic England), 'Enabling Development and the conservation of significant places'

16. Overall, I find that the public benefits arising from the proposed development would not outweigh the harm I have identified and to which I accord considerable importance and weight. The scheme conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
17. In summary and on the basis of the above I conclude on this matter that the development would result in significant effects to the listed buildings from development within their setting. Consequently, the proposal would be contrary to Saved Policies BE22 and GD2 of the LP and paragraph 196 of the framework.

Living Conditions

18. Saved Policy H32 of the LP at Section E(i) seeks that new dwellings have a garden space with a minimum depth of 10 metres, and that Section F states that in order to ensure adequate privacy, daylight and outlook, that (i) a 25m distance between the rears of new two storey dwellings and existing dwellings be provided, and that ii) a 21m distance between the rears of new two storey dwellings. It should also be noted that the Policy states that these values are minimum values and that development needs to reflect the distinctive character of the district.
19. Whilst Saved Policy H32 refers to distances of two storey dwellings, there is some relevance to the application of such setbacks to the proposed scheme which involves a one and a half storey dwelling. I note that comparisons are made with the modern Riding Grange development adjacent in terms of plot sizes, however the appeal site is experienced within the context of the historic buildings which lead into the historic core of the village where dwellings maintain much larger plots which is part of their local character and distinctiveness.
20. Whilst the proposed dwellings would appear to have a garden length of 10 metres, the northern-most dwelling's garden would be reduced by the projection of the barn to the farmhouse severely restricting the size of the garden space into an awkwardly sized L-shaped space. The rear boundary of the proposed garden to the new dwellings would be the two storey wall of the Farmhouse and the ancillary agricultural barn. The walls would have a domineering presence for future residents utilising the gardens and give a very poor outlook from the rear garden space given the limited setback.
21. With regards to overshadowing, given the orientation of the proposed dwellings and the small garden spaces provided, the existing farmhouse and attached barn would cast a shadow over the garden space in the morning, and when the sun passes the southerly direction in the afternoon, the proposed dwelling would cast shadow over its own garden space. The garden spaces of the proposed dwellings, as a result of their size, orientation and relationship with surrounding buildings, are unlikely to achieve an adequate amount of sunlight.
22. With regards to overlooking, the predominant impact would arise from the side gable which faces the side garden and habitable room windows at the first floor of 1 Riding Grange. I note comments with regards to overlooking from roof lights, however they appear to be over 1.7metres from finished floor level, with

the plans indicating these would be obscure. I do not consider that these would result in overlooking. I note that the windows along the gable of the proposed northern-most dwelling would be a secondary windows to Bedroom 2 and the main window for Bedroom 3. Whilst overlooking from Bedroom 2 could be prevented by obscuring this window, the obscuring of the only window of Bedroom 3 would give a poor outlook and would not be a satisfactory living environment for occupants of this room.

23. Consequently the scheme does not provide adequate living conditions in terms of setback, outlook and light for future occupiers and would be contrary to Saved Policy GD2 (f) of the LP (which seeks that there will be no adverse effect on adjacent land or buildings, in terms of loss of light, and overbearing appearance; and Saved Policy H32 (f) of the LP which seeks that development provide adequate privacy, outlook and daylighting is maintained by adequate spacing of dwellings.

Other Matters

24. The appellant has expressed dissatisfaction with the way in which the Council handled the pre-application process and the planning application, with the appellant commenting that the process of pre-application and planning application was long and did not contain consistent advice which frustrated the process. Whilst this may be the case in the appellant's opinion, I have seen no evidence to indicate that the LPA has not failed to properly evaluate the application or consider the merits of the scheme, in which the Council had reasonable concerns about the impact of the proposed development which justified its decision.
25. I also note comments from the appellant's Statement of Case (SoC) and further comments where there is disagreement on the significance of the building. The appellant considers that the '*main emphasis in terms of significant historic features is the East elevation of the buildings.*' However, an assessment of setting is a more wholistic process which seeks to understand the relationship between spaces and the buildings.
26. Appendix 7 of the appellant's SoC submits a screen capture of the Council's Strategic Housing Land Availability Assessment (SHLAA) which seeks to identify locations for potential housing development. As also stated on the same page '*The SHLAA is not a policy document and, therefore, does not determine whether a site should be allocated for housing, or whether it should be granted planning permission.*' It is unclear to what extent the site has been assessed to be included within the SHLAA, however it would appear that it is purely indicative and without the benefit of heritage or amenity considerations which is the subject of this appeal. As such I cannot afford weight to the site being notated in the Council's SHLAA.
27. I note discussion in the appellant's SoC on the dissatisfaction with ecology officers and level of information required, and the importance of the bat roost which is present on site, with discussion revolving around the level of significance of the roost and the level of information required. As the application was not refused on the basis of ecological considerations concerning effects towards the bat roost, I have not found it appropriate to assess this issue.

28. I also acknowledge discussion and Freedom of Information Requests and concern expressed by the appellant as to the information needed to satisfy the Public Protection team with regards to any potential contamination of the site or coal workings. As the application was not refused on the basis of land contamination or impacts due to coal mining, I have not found it appropriate to comment on this issue.
29. I further note the appellant's comments with regards to the Council approving schemes for publicly-owned listed buildings⁵ despite the feelings by the appellant that there were no public benefits. I have not been supplied with information as to how these applications are analogous to the appeal site. However, I have based my decision on the information and evidence available.
30. I note Paragraph 15 within the applicant's SoC which claims that the later alterations and new dwellings at Riding Grange would not have been a consideration in 2000 as to the harm caused to the listed building or its setting as the NPPF or the LP was not in place. Whilst this may have been commented in the minutes for a concurrently assessed planning and listed building application on the same site, these comments do not form part of the minutes relating to the current planning application which was assessed by Committee Members and which is the subject of this appeal. Even if this was the case, I do not believe these comments were central to the discussion on the appropriateness of the scheme which the appellant believes to have resulted in the misleading of Councillors. The scheme was refused due to the impact caused to the significance of the listed buildings from development within their setting and for inappropriate living conditions for future occupants.

Conclusion

31. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR

⁵ Hadrian House, Prospect House and Old Grammar School