

Appeal Decision

Site visit made on 27 March 2001

by Alan Novitzky B Arch MA(RCA) PhD RIBA

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date

24 APR 2001

Appeal Ref: APP/A2335/A/00/1056010
Sunnycroft Farm, Wrayton, Lancaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr and Mrs E Howson against the decision of Lancaster City Council.
- The application (ref: 99/00913/CU), dated 23 September 1999, was granted planning permission by the Council on 16 October 2000 subject to conditions.
- The development permitted is *the change of use and conversion of redundant farm buildings to six dwellings with associated parking*. This description appears on the decision notice and appeal form and reflects the revisions made to the proposal arising from negotiations following the submission of the application. It differs from the description on the application form.
- The conditions in dispute are Nos 12 and 19 which state that:
- Condition 12: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no development under Parts 1 and 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.*
- Condition 19: *No works shall take place on site until the applicant, or their agent or successor in title, has secured the making of a detailed record of the buildings. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the local planning authority.*
- The reasons given for the conditions are:
- Condition 12: *In the interests of the amenity of the area.*
- Condition 19: *For the avoidance of doubt.* The Council advises that the reason given is incorrect, the result of a clerical error, and that it should read: *In order to maintain an archive record of these buildings, which are of historical importance, prior to any alterations taking place.*

Summary of Decision: The appeal is allowed and the planning permission varied.

Procedural Matters

1. The site lies within Wrayton Conservation Area which encompasses the settlement. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
2. The site is also close to several grade II statutorily listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the settings of listed buildings

Main Issues

3. The main issues are.
 - (a) Whether the character and appearance of the area warrants the restrictions in permitted development rights imposed by Condition 12.
 - (b) Whether the archaeological interest of the building group warrants the record required by Condition 19.

Planning Policy

4. The development plan includes the Lancashire Structure Plan 1991-2006 (SP). The principal policies relevant to this appeal, to which attention has been drawn, are described below. SP Policy 1 advises that the environmental impact of the rehabilitation and reuse of existing buildings in the open countryside should be no greater than that of the existing buildings. SP Policy 22 aims to protect listed buildings and their settings and conservation areas and their settings. SP Policy 23 advises, in paragraph 6.23.6 of the explanatory text, that where preservation of archaeological remains cannot be justified the Council will satisfy itself that proper provision has been made for the archaeological excavation and recording of the site before development starts.
5. The emerging local plan is the Deposit Lancaster District Local Plan (ELP). Post inquiry modifications were due to be published in February of this year. ELP Policy E36 concerns the alteration or extension of buildings in conservation areas. Paragraph 5.7.28 of the explanatory text advises that proposals for relatively small alterations and additions to buildings can have a cumulative effect which undermines the character and appearance of conservation areas. ELP Policy E42 aims to protect archaeological remains. Where preservation on site is not justified, requirements will be made through the imposition of planning conditions or obligations. In accordance with advice in paragraph 48 of *Planning Policy Guidance: General Policies and Principles (PPG 1)*, and since they reflect national guidance, I will give these policies considerable weight.

Reasoning

First Issue – Condition 12: Character and Appearance of the Area

6. Wrayton is a small rural settlement whose layout, including the location of its listed and other historic buildings, follows a traditional agrarian development pattern. A principal feature of this development pattern is the central open paddock or 'croft'. The croft makes a substantial contribution to settings of the listed buildings, many of which surround it, and to the character of the Conservation Area.
7. The scheme would lead to the removal of much of the visual clutter of later additions to the buildings and largely restore traditional forms and details. It would also give increased clarity to the croft as the central focus of the buildings. In these circumstances it is important, in my view, to avoid subsequent development which would harm these traditional forms and the clarity of their relationship to the central space.
8. Circular 11/95 advises in paragraph 87 that, save in exceptional circumstances, conditions should not be imposed which restrict permitted development rights. I understand that permitted development rights have not been removed by Article 4 Direction within the Conservation Area and think it is unnecessary to remove them in blanket fashion in this

case. However, in my view, the exceptional circumstances of the site do require certain restrictions on permitted development rights.

9. Regarding Part 1 of Schedule 2 of the Order, *Development Within the Curtilage of a Dwelling House*, I think it is necessary to remove the right to enlarge, improve, or make other alterations to the buildings or their roofs under Class A, B or C, to ensure that the traditional building forms are not harmed. For the same reason, the right to build a porch under Class D should be removed. I also consider it necessary to remove permitted development rights under Class E (buildings, etc., within the curtilage of a dwelling house) and Class G (container for heating oil within the curtilage), because of the importance of retaining the openness of the space contained by the buildings. However, I see no need to remove the other classes of permitted development rights within Part 1 of the Schedule.
10. Turning to Part 2 of the Schedule, *Minor Operations*, I think permitted development rights should be removed with regard to means of enclosure (Class A). This is because of the importance of retaining the character of the space enclosed by the buildings, which might well be harmed by inappropriate walls, fences, gates and other means of enclosure. However, I see no reason to remove the other classes of permitted development rights within this Part of the Schedule.
11. In my view, only those restrictions in permitted development rights which I have identified are necessary to accord with the development plan policy described above and to preserve the character or appearance of the Conservation Area and the settings of the listed buildings. I conclude on the first main issue that the character and appearance of the area does not warrant the restrictions in permitted development rights imposed by Condition 12 but does warrant the restrictions I have identified.

Second Issue – Condition 19: Archaeological Interest of the Building Group

12. None of the buildings which would be altered are listed. The site appears on the first edition, mid 19th century Ordnance Survey map and now appears in the Sites and Monuments Record. However, it has no other formal archaeological designation and there is no evidence of an archaeological inspection of the site having established its significance.
13. Nevertheless, the scheme involves fundamental alterations to the buildings, including the loss of open internal spaces, the loss of much existing fabric and the probable loss of original roof structure. These alterations may well be greater than would be acceptable were the buildings listed or identified as of archaeological importance. Wrayton is clearly a farming settlement that has assimilated change without wholesale destruction of its existing forms. Evidence in the fabric of the changing use of the buildings, of changing building and farming methods, and of the development of the settlement will be lost in development.
14. In my view, an appropriate method of recording the buildings is necessary to allow the scheme to proceed and a condition such as that in dispute is therefore valid in principle. Whilst development plan policy and emerging policy points to the recording of archaeological remains where preservation cannot be justified, it gives no indication of the appropriate means. Moreover, there appears to have been no public consultative exercise or Council resolution to determine appropriate methods.
15. The Council advises that the record should be to level 3 standards as set out by the RCHME in *Recording Historic Buildings: a Descriptive Specification* (3rd ed.). I think that a drawn,

photographic, and written survey based on these, or equivalent, standards would be appropriate in this case. However, the starting point for much of this material exists in the information already assembled to produce the scheme proposals.

16. Given adequate briefing by the Council beforehand on the content of the survey, in my opinion, it would be unnecessary to insist on the survey being carried out by a professionally qualified archaeological or building recording consultant or organisation. In addition, to direct attention to relevant matters and to avoid wasted resources, it would be helpful for site access to be afforded to the Council's nominated archaeological representative to observe and advise on aspects to be included in the survey.
17. In the circumstances, I conclude on the second main issue that the archaeological interest of the building group does not warrant the record required by Condition 19 but, to accord with policy, does warrant a record carried out in the manner I have indicated.

Overall Conclusions

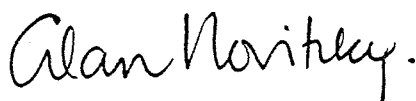
18. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed. I shall vary the planning permission by deleting the disputed conditions and substituting others.

Formal Decision

19. In exercise of the powers transferred to me, I allow the appeal and vary the planning permission (ref. 99/00913/CU) for *the change of use and conversion of redundant farm buildings to six dwellings with associated parking* at Sunnycroft Farm, Wrayton, Lancaster granted on 16 October 2000 by Lancaster City Council, deleting conditions 12 and 19 and substituting therefor the following conditions:
 - a) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development under Class A, B, C, D, E or G of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.
 - b) No development shall take place on the site until a detailed record of the existing buildings has been made. This must be carried out in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority. Access shall be afforded at all reasonable times to any archaeologist nominated by the local planning authority to observe and advise.

Information

20. Particulars of the right to challenge this decision in the High Court are enclosed.



INSPECTOR