

SCHEDULE A: Applications with Recommendation

13/0246

Item No: 07

Date of Committee: 29/08/2014

Appn Ref No:
13/0246

Applicant:
Executors of the Late Mr & Beaumont
Mrs D Burnett

Parish:

Agent:
Taylor & Hardy

Ward:
Burgh

Location: Stone Barn to the north of the Manor House, Kirkandrews on Eden,
Carlisle CA5 6DJ

Proposal: Demolition Of Stone Outbuilding (LBC)

Date of Receipt:
26/03/2013

Statutory Expiry Date
21/05/2013

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that Authority to Issue approval is granted with the imposition of conditions subject to notification and approval by the Secretary of State.

2. Main Issues

- 2.1 Whether The Demolition Of The Listed building Is Acceptable
2.2 The Impact On Ecology And Nature Conservation

3. Application Details

The Site

- 3.1 The Manor House is located adjacent to the main road through the village close to the south-eastern fringe of the settlement. The 2 storey detached property is elevated and visibly prominent above the adjacent highway.
- 3.2 Adjacent to the site to the west and east are residential properties. The property sits within a large curtilage that extends northwards. As well as the

Manor House, there are outbuildings to the west and north which are listed in their own right. The Manor House was listed in 1952 and the description reads:

“House. Mid C18. Flemish bond brickwork. Welsh slate roof with end brick chimney stacks. 2 storeys, 3 bays. Lower 2-storey, 1-bay left extension, and 2-storey range to rear forming L-shape. C20 French window in original doorway; stone architrave, moulded and dentilled cornice. Shallow segmental arches with keystones and stone sills to sash windows with glazing bars. C19 left extension has raised quoins; stone sills and lintels to sash windows with glazing bars. Back extension has ground floor of split river cobbles, brick upper floor.”

3.3 The barn to the west was listed in 1984 and the description reads:

“Barn probably early or mid C18. Clay walls repaired with brick and cobbles (covered by thick ivy), sandstone slab roof. single storey. Plank doors in projecting cart entrance, no other doors or windows. Listed partly for G.V with The Manor House.”

3.4 The barn to the north, subject to this application, was also listed in 1984 and the description reads as follows:

“Barn and stables. late C18. Split river cobbles and red sandstone quoins, sandstone slate roof. 2 storeys, 2 bays, with 2-bay extension under common roof. Plank door in quoined surround, loft above with similar surround, now partly blocked with brick. Extension to left has garage door in flattened segmental arch, casement window in partly-blocked opening above. Listed partly for G.V with The Manor House.”

Background

3.5 The Manor House, together with the adjacent barns and curtilage, was advertised for sale in 2006. In 2009, the asking price was reduced and the property continued to be marketed until 2012. In this year, following the death of the owner and due the lack of interest from the market, the property was withdrawn from sale.

3.6 The application details state that although there were viewers to the property during the advertisement period, potential purchasers were dissuaded due to proximity of the stone building to the house and the dangerous condition of the outbuilding.

The Proposal

3.7 This application seeks listed building consent for the demolition of a stone outbuilding at The Manor House, Kirkandrews-on-Eden, Carlisle. The building is rectangular in shape and measures approximately 16 metres by 5.85 metres in width. The building had a wall height of 4.2 metres with the ridge of the remnant roof structure being 6 metres above ground. Very little remains of the roof structure.

- 3.8 The building is constructed of randomly course rubble stone which is filled with rubble core in a lime mortar. The building is in a poor state of repair and is structurally unstable.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 2 of the neighbouring properties. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Beaumont Parish Council: - no comment;

English Heritage - North West Region: - this application proposes the total demolition of a grade II listed building. The justification for demolition is based upon current condition and the difficulty in selling it as part of the Manor House, Kirkandrews-on-Eden, which is also a Grade II building, and a second Grade II outbuilding which is part of the same estate. There have been two previous listed building consents granted for residential conversion of the barn which would have brought the building back into beneficial use. These have not been enacted and the property has been allowed to deteriorate. The National Planning Policy Framework is unambiguous in its guidance that demolition "should be exceptional" and only granted after stringent tests have been passed. As yet English Heritage do not consider these tests have been satisfied and would recommend refusal of this application as contrary to Policy. The Council is also advised that consideration is given to serving an Urgent Works Notice on this property;

Hadrians Wall Heritage Limited: - no comment received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies CP2 and LE14 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. Whether The Demolition Of The Listed Building Is Acceptable

- 6.2 The main issue to consider in determining this application is the impact of the demolition of the listed structure. Consideration needs to be given to the following issues:

- what is the significance of the building?
- how is it best to sustain and enhance the significance of the buildings?
How is best to reveal the significance of the group of listed buildings?
- is there sufficient justification for any perceived harm to the building and the setting of the adjacent listed building? If the answer is no, any resulting harm should be balanced against the public benefits of the proposal.

- 6.3 Each issue must be considered in the context of, and having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Assessment of the Significance of the Heritage Asset

- 6.4 The starting point for Members in the consideration of this application is the assessment of the significance of the heritage asset. Paragraph 128 of the NPPF requires that in determining applications, “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 6.5 Paragraph 129 of the NPPF elaborates on this issue:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”
- 6.6 In order to address the requirements of the NPPF, and in particular paragraphs 128 and 129, a Statement in Support together with a Building Survey (Level III) report have been submitted in support of the application.
- 6.7 The building has historical reference insofar as a building on the site of the stone barn is recorded on the Tithe map of 1831 and the First Edition Ordnance Survey map of 1868. The Building Survey identifies that the ground floor was probably a store with the upper storey used as a hayloft. The originally constructed stone building was extended on its western gable with a cart shed.
- 6.8 English Heritage hasn't made any comment in respect of the significance of the building but has detailed their uncompromising opposition to the demolition of the building and the conflict of the proposal, in their view, with the NPPF.
- 6.9 The Council's Heritage Officer has objected to the application and with reference to the significance of the building, he has commented that:
- “As a building predating 1831 the structure represents one of a very small

proportion of the national building stock of this early vintage. As a vernacular building it is not altogether surprising that it lacks architectural pretension. This in itself is not justification for the loss of the building.”

- 6.10 The statement submitted by the applicant concludes, that having regard to the barn in the context of the site:

“...the demolition of the stone barn would change the setting of the Manor House; however, it could reveal the significance of the Manor House and the public's perception of it through its potential reoccupation and restoration.”

- 6.11 The Building Survey is comprehensive in terms of the historic development and context of the building together with lengthy commentary on the architectural features. The report concludes that:

“The stone barn had little architectural embellishment and was designed purely for an agricultural purpose serving as a barn with a hayloft. During the course of its use it was extended before 1868 with the addition of a cart shed.”

- 6.12 In the context of the wider public views of the site these are, at best, limited; however, there is no doubt that the building forms part of a cohesive group together with the Manor House and the clay dabbin building and is therefore of historic value. The Manor House is prominently sited on an elevated position above the County highway and the clay dabbin building stands adjacent to it. These buildings are visibly dominant within the site and therefore have a greater degree of significance in terms of their importance. In its current structural condition and poor state of repair, the building subject to this application detracts from the immediate setting of the Manor House and does not form a significant part of its overall interest.

Sustaining and Enhancing the Heritage Asset _

- 6.13 Paragraph 131 of the NPPF, sets out 3 issues that Local Planning Authorities (LPAs) should take into account when determining applications relating to heritage assets. These issues relate to:
- sustaining and enhancing the significance of heritage assets;
 - the positive contribution that the conservation of heritage assets can make to sustainable communities; and
 - the desirability of developments making a positive contribution to the local character and distinctiveness.
- 6.14 Linked to the requirement to enhance the significance of heritage assets, paragraph 137 supports proposals that better reveal the significance of a heritage asset.
- 6.15 The significance of the heritage asset has been summarised above. In summary it is the building itself (in its original condition) together with the group value with the 2 adjacent buildings. In terms of the wider public setting, the significance of the building is minimal due to its position within the site and the intervening buildings.

6.16 The Heritage Officer has responded:

“As stated above, the deterioration of the building has been highlighted to the owners for several years. I concur that a large portion of the southern elevation should be dismantled as its structural failure is quite evident. I would argue however that the cart house portion of the building is capable of retention as it stands (with some partial reconstruction to the southern elevation) if prompt efforts were made. The recording and careful dismantling of remaining unsound portions could be followed by the re-erection of the structure to the same substantial detail, conserving the material and detailing of the original construction.”

6.17 The proposed demolition of part of the building would retain some of the relevance and significance of the building; however, this would be radically different from the building in its original and ultimately extended form.

6.18 In terms of enhancing the asset, this is likely to be relatively difficult due to the condition of the building. The building can't be stabilised in its current form and would have to be taken down and rebuilt; however, this requires the estate to be sold and financial investment by the future owner. The emphasis relating to the preservation of heritage assets on the site should focus on the Manor House and clay building which have greater significance.

Contribution towards creating a sustainable community and local character and distinctiveness -

6.19 The NPPF requires LPAs to consider how the conservation of a heritage asset can make a positive contribution towards sustainable communities, including their economic viability. In this regard, English Heritage argues that the proposal is contrary to the NPPF as the demolition of the barn does not support the government's overarching objective of sustainable development insofar as it conflicts with the three interlinked roles of economic, social and environmental objectives.

6.20 The NPPF defines these roles as:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve

biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 6.21 In this context, it is difficult to argue that the building contributes to either the economic or social objectives of the government. The relevance of the building in its environmental contribution is appropriate due to the historic context and contribution of the building to the group value of the listed buildings. This, however, is off-set against the continued deterioration of the building together with, and in some ways more importantly due to their greater visual prominence, the adjacent listed buildings.
- 6.22 The Manor House and associated outbuildings are now the responsibility of the executors of the estate following the death of the previous owner. During his custodianship of the property, planning permission and listed building consent were granted for the conversion of the building to 2 dwellings in the late 1986 and then again in 1999 but these weren't implemented. Since then little expenditure has been made with regard to repairs and maintenance required on the building.
- 6.23 In light of the current policy context, it is difficult to see how a proposed scheme for the conversion of the building would be acceptable given its structure condition, the restricted access and limited amenity space, together with the potential conflict with policies requiring minimum distances between primary windows.
- 6.24 The Heritage Officer has commented on the historical 'neglect' of the building:
- “Evident neglect over the past 30 years has however resulted in them now being in a significant state of disrepair. Again, this neglect was the responsibility of the former owners, and now passes to the executors or present owners of the site. My understanding is that the previous conservation officer took a number of queries regarding the site and visited it with prospective purchasers. It may be that the asking price failed to reflect the maintenance and restoration costs of the buildings on site.”
- 6.25 This point is also identified by English Heritage who opine that the property has been marketed at an unrealistic price due to the condition of the barn. They continue:
- “The current application has not demonstrated an adequate marketing exercise at a realistic market valuation of the building in question. Neither has it demonstrated that it is beyond economic repair and subsequent re-use.”
- 6.26 This is even to the extent that to adequately test the market, the asking price may need to be low or zero (section 96 Planning Policy Statement 5 – Practice Guide).
- 6.27 Despite being marketed at what appears to be a reasonable market price, the

property remained unsold before being taken off the market. The applicant advises that this is partially due to the condition of the barn. It would be fair to say that the property could be marketed at a lesser value but this would only be applicable if the building needed financial investment for maintenance and repair with a view to its retention. As previously discussed in this report, the building as a whole is structurally inadequate. Whilst a lesser price may allow a potential purchaser some capital to demolish the building, it seems unreasonable to lower the price or even zero the value for a building that is not worthy of retention.

- 6.28 The Manor House itself is increasingly in need of some increasingly urgent maintenance and repairs. The option of retaining the barn in its current condition makes it progressively more unattractive to a prospective custodian and therefore prolongs the deterioration of all the buildings. As such, in this context, the option to retain demolish the building and thereby attract a new custodian to the Manor House would meet the objectives of paragraph 131 (i) of the NPPF than the retention of the building and the uncertain future of the buildings if left vacant.
- 6.29 It is unreasonable to place any emphasis on the historical context of the site insofar the unimplemented planning permission for the conversion and the lack of maintenance by the previous occupier, particularly as the Council's Principal Conservation Officer had visited the site numerous times to provide advice. Despite the continued deterioration the owner was never served an Urgent Works or Repair Notice.
- 6.30 The proposed demolition of the barn may help facilitate the sale of the estate, occupation of the Manor House and subsequent maintenance and repair, and therefore, would help to sustain the positive contribution that the Manor House makes, in historic terms, to the character and distinctiveness of area.

Harm v Public Benefits of the Proposal .

- 6.31 Paragraphs 133 and 134 of the NPPF require the applicant to evaluate whether the proposed development would result in substantial harm to, or the total loss of significance of, a heritage asset.

- 6.32 Paragraph 133 states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.33 The Manor House was listed in 1952 with the 2 outbuildings listed separately some 32 years later. Planning policies are clear in terms of presumption in favour of the retention of heritage assets and the consideration of the loss of any such designated asset should not be taken lightly. In this case, there will be harm to the individual asset of the barn through the demolition. The issue for Members in this case is the weight that should be attached to the contribution of the barn to the group value of the listed buildings and wider area against the potential sale of the estate and preservation of the Manor House and clay dabbin barn and thereby enhancement of the greater heritage asset.
- 6.34 Paragraph 134 of the NPPF states 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 securing its optimum viable use”.
- 6.35 The demolition of the listed building therefore needs to be balanced against the following benefits of the listed building consent:
- the demolition of the building will promote the sale of the estate;
 - the future occupation of the Manor House will secure its upkeep and therefore the functional and heritage significance of the clay dabbin barn and the Manor House, the latter which is a more significant heritage asset;
 - the future maintenance of Manor House will ensure the continued public enhancement of the building within its setting and the wider character of the area on this prominent approach to the village.
- 6.36 It is therefore considered that any harm caused by the listed building proposals will be outweighed by the benefits to be gained by the remaining heritage assets. The proposal is therefore considered to be in accordance with Paragraph 134 of the NPPF.

2. The Impact On Ecology And Nature Conservation

- 6.37 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.38 The Councils GIS Layer has identified that the site has the potential for breeding birds and otters to be present on or in the vicinity of the site. As the proposed development involved the demolition of a barn this is a pertinent

issue; however, the building has no roof structure and there are adjacent buildings which are likely to provide a better habitat.

- 6.39 Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

Conclusion

- 6.40 Listed building consent is sought to demolish the Grade II listed barn at the Manor House and consideration needs to be given to whether the proposal is in accordance with national and local plan policies, particularly when compared with the option of retaining it in its current location.
- 6.41 The protection of heritage assets is a theme that runs through both the NPPF and local plan policies and appropriately there is a strong presumption in favour of their retention unless the appropriate policy criteria have been robustly assessed and there are material considerations which allow for their demolition. It is the exception rather than the norm to consider applications for the demolition of listed buildings. Wherever possible, such heritage assets are repaired.
- 6.42 In accordance with Paragraph 128 of the NPPF, the significance of the barn has been assessed. It can be concluded that the significance of the building in its architectural, historic and artistic value has diminished since the time of the listing. The condition of the building has deteriorated over time; however this was due to the lack of maintenance of the previous owner. Whilst this situation should not be condoned, the Council was aware of the situation due to the meetings and site visits undertaken by the Principal Conservation Officer. The appropriate action to require repairs to be undertaken should have been taken at that time. It would be perverse to initiate such retrograde steps now.
- 6.43 Consideration has been given to how best to sustain and enhance the heritage assets within the overall context of the site, comparing the option of the retention of the building against its demolition and the potential benefits to the adjoining buildings. It has been concluded that the significance of the heritage assets are best sustained, enhanced and preserved by demolition of the barn. The continued retention of the building is likely to result to prejudice the sale of the estate and therefore continue the deterioration of the Manor House and clay dabbin barn. The proposed development is therefore considered to be in accordance with Paragraphs 131 and 137 of the NPPF and Policy LE14 of the Local Plan.
- 6.44 The demolition of the building would not result in an adverse impact on the ecology or natural habitats in the locality.

- 6.45 However, section 13 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that certain descriptions of application for listed building consent, which includes demolition, are referred to the Secretary of State. In this case, the application involves the demolition of the principal building and therefore should Members be minded to grant consent, Authority to Issue approval is sought subject the referral of the application to the Secretary of State for approval.

7. Planning History

- 7.1 Planning permission and listed building consent were granted in 1986 for the conversion of a barn to a dwelling.
- 7.2 In 1999, planning permission and listed building consent were granted for the conversion of a barn to a dwelling.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Listed Building Consent comprise:

1. the Listed Building Consent application form received 26th March 2013;
2. the Location Plan received 26th March 2013 (Drawing no. 11/129/1);
3. the Block Plan received 26th March 2013 (Drawing no. 11/129/2);
4. the Statement in Support received 26th March 2013;
5. the Building Survey (Level III) received 26th March 2013;
6. the Notice of Decision

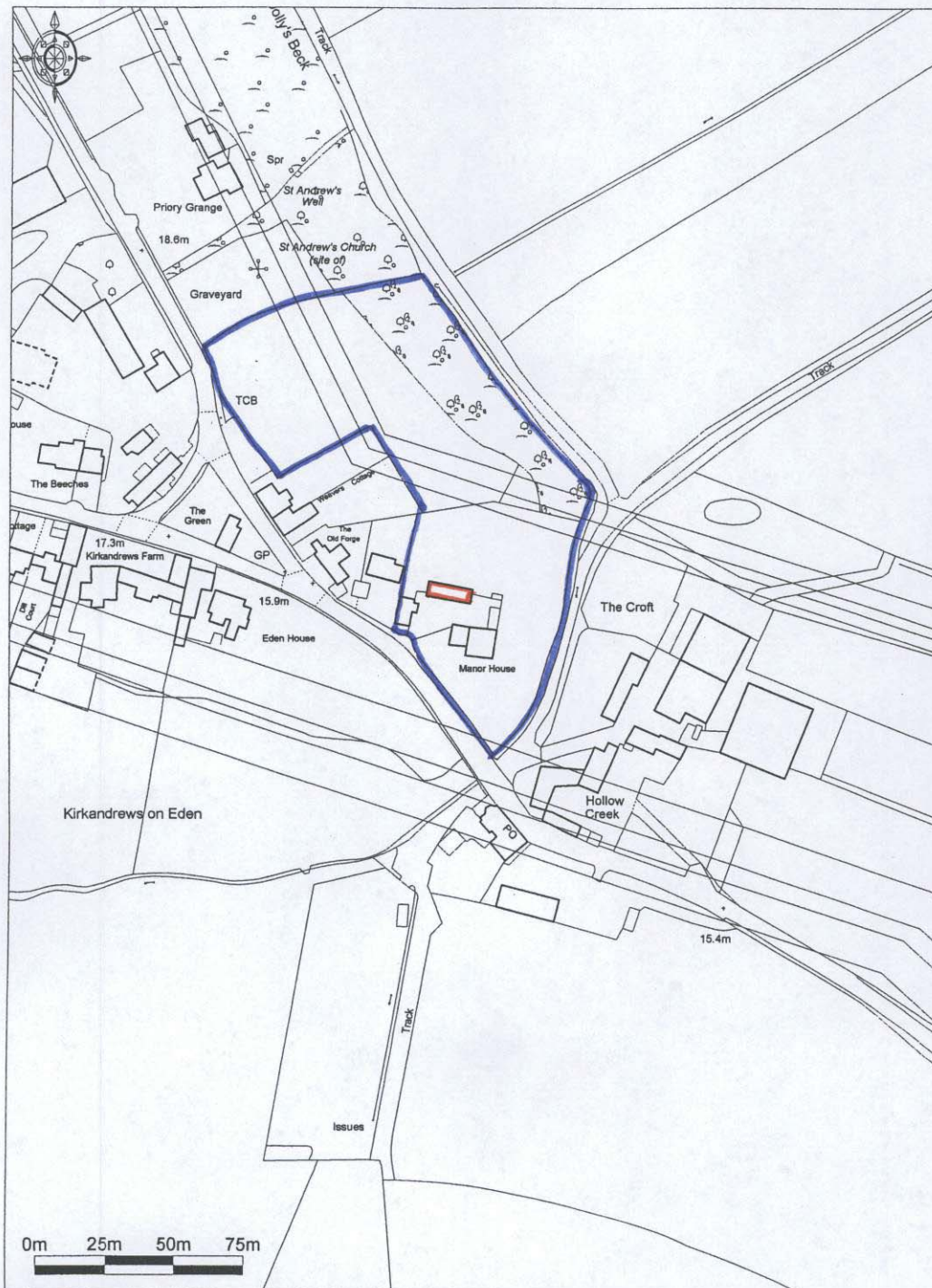
Reason: To define the permission.

3. No demolition hereby approved by this permission shall commence until a detailed management plan for the demolition works has been submitted to and agreed in writing by the Local Planning Authority. The management plan should include:

1. method of demolition;
2. site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
3. construction traffic routes, timing of lorry movements, hours of deliveries, numbers and types of vehicles, construction traffic parking;
4. hours of site operation, dust suppression measures, noise limitation measures.

The demolition must then be undertaken in accordance with the approved details.

Reason: To ensure that the demolition is undertaken in an appropriate manner and to safeguard the adjacent listed buildings in accordance with Policy LE14 of the Carlisle District Local Plan 2001-2016.



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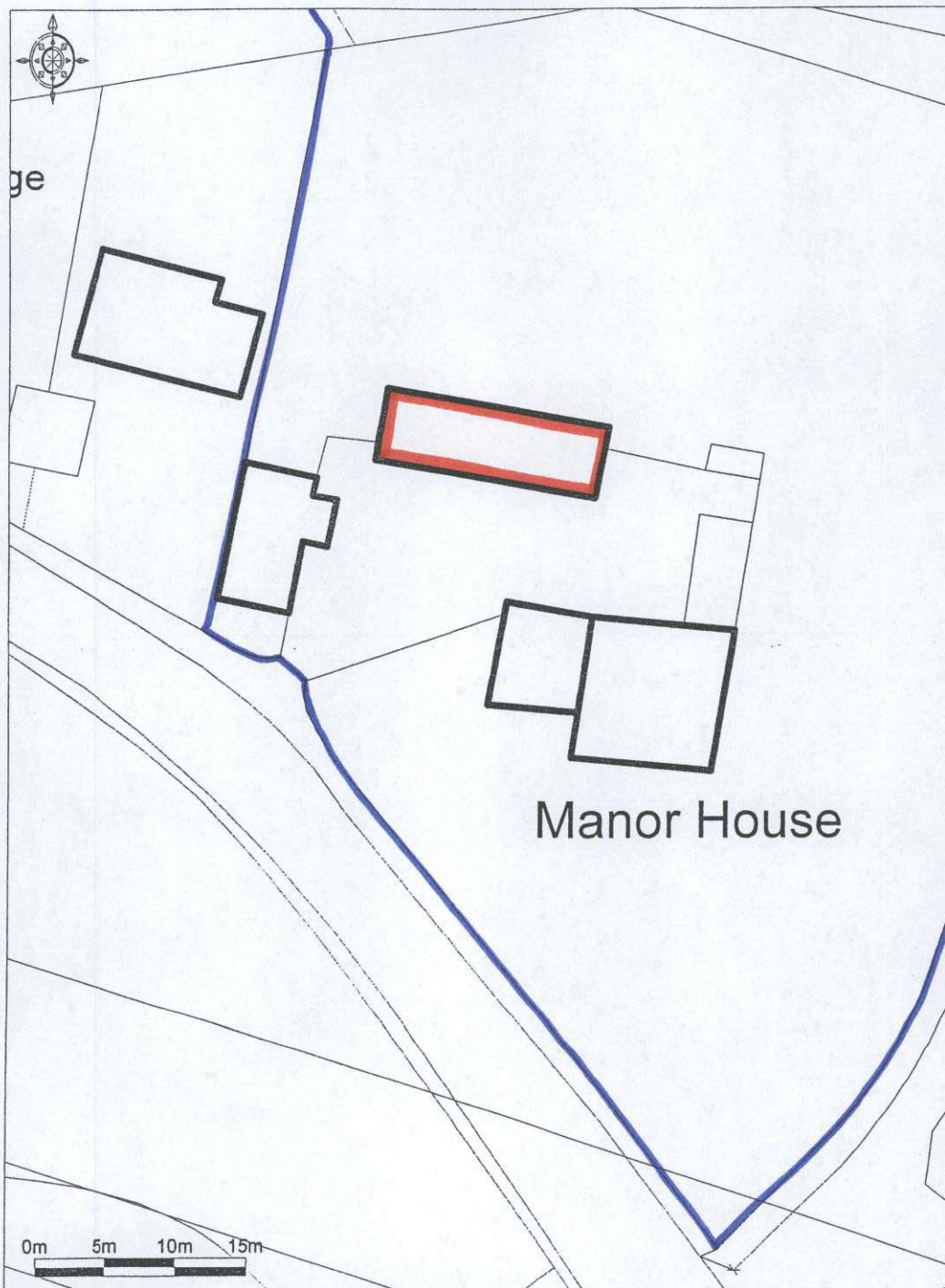
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LOCATION PLAN

Drawing No. 11/129/1

Scale 1:2500





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BLOCK PLAN

Drawing No. 11/129/2

Scale 1:500

