

## SCHEDULE A: Applications with Recommendation

21/0375

Item No: 08

Date of Committee: 23/07/2021

**Appn Ref No:**  
21/0375

**Applicant:**  
Mr Steven Tomkin & Ms  
Mary Thorne

**Parish:**  
Hayton

**Agent:**  
Abacus Building Design

**Ward:**  
Brampton & Fellside

**Location:** Castle Hill, Hayton, Brampton, CA8 9JA

**Proposal:** Change Of Use Of Redundant Agricultural Barn To Provide 1no. New Dwelling & Extension To Accommodation To Adjoining Gin Case; Construction Of New Entrance And 4no. Car Parking Spaces To Rear Within Existing Garden Area To Serve New Dwelling And Gin Case(LBC)

**Date of Receipt:**  
27/04/2021

**Statutory Expiry Date**  
22/06/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

#### 2. Main Issues

- 2.1 Impact Of The Proposal On The Listed Buildings

#### 3. Application Details

##### The Site

- 3.1 Castle Hill consists of a farmhouse, a former gin case (which has been converted to a dwelling), a bank barn, a cart shed, pig hulls and a detached hay barn all of which are Grade 2 Listed Buildings. The buildings are generally red sandstone buildings with traditional slate roofs. They are arranged around a cobbled farmyard and originally formed the former agricultural holding of Castle Hill.

- 3.2 The site is served by an existing access that links to the road that leads from Hayton to Hayton Lane End and the junction with the A69. The property is also served by a field gate and a pedestrian gate which are accessed from Beck Lane, which lies to the south of the property, along with Patten Beck. A garden area slopes downhill from the buildings to Beck Lane and Patten Beck and a stone wall forms the boundary of the applicant's garden and Beck Lane.
- 3.3 Walnut Field/ Village Green lies to the south Castle Hill. Nook Farm lies to the east, with the Scheduled Monument of Hayton Castle Hill lying to the west, together with residential properties on Beck Lane. An unmade track goes from Castle Hill to Hayton Castle Hill and trees along the track are subject to a Tree Preservation Order.
- 3.4 The land at the southern end of the garden (adjacent to Patten Beck) is registered as Common Land. This land is located to the east of the field gate at the bottom of Beck Lane and is in the applicant's ownership.

### **The Proposal**

- 3.5 The proposal is seeking listed building consent to convert the bank barn into a new two-bedroom dwelling and to provide additional accommodation for the gin case, which is adjoined to the western side of the bank barn.
- 3.6 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and to the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.
- 3.7 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 3.8 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.
- 3.9 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing

windows. There would be no external changes to the south and north elevations of the bank barn.

- 3.10 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 3.11 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 3.12 A new access would be formed in the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate. This would be adjoined by new stone piers. The access road would link to a new gravel parking area which would be created to the south of the gin case.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twelve neighbouring properties. In response, one letter of objection has been received to this application with three letters of objection being received to the related planning application (21/0374). The issues raised mainly relate to the planning application and are summarised in application 21/0374.

#### **5. Summary of Consultation Responses**

**Ancient Monument Society - Amenity:** - the amended plans largely address the concerns raised with the original proposal. The retention of the ventilation slits to the north elevation, the removal of the additional windows to the east and west elevations, and the retention of the barn doors to the ground floor ensure the barn would maintain an agricultural rather than domestic appearance. This is more in keeping with the special architectural and historic interest of the grade II listed barn and the advice in Historic England's Technical Advice Note No.9 *The Adaptive Reuse of Traditional Farm Buildings*;

**Council for British Archaeology - Amenity:** - happy to see that revisions have been made to the fenestration of this proposed scheme - believe this will reduce the impact on the agricultural character of the bank barn from its conversion to a residential use. The CBA believe these revisions will reduce the level of harm that this scheme would cause to the significance of Castle Hill bank barn and help satisfy the requirements of paragraph 193 of the NPPF. Recommend that a continued conservation led approach should be undertaken throughout any permitted works;

**Hayton Parish Council:** - objects to the proposal for the following reasons:  
1. The area between the end of the public highway (end of surface dressed road) and the existing access to the developer's land is Common Land. In

the 1814 Hayton Enclosure Act the "Beck Bottom" was shown as one of several watering holes. It was subsequently registered as Common Land in 1968. As such no excavation can be carried out on this area without express permission from the Planning Inspectorate. Without this permission it will be difficult for vehicles to have sufficient turning space to gain entry into the proposed new access.

2. Does not believe that at times of intense rainfall (only predicted to increase with climate change) the proposed ACO drainage systems can deal satisfactorily with the run off from a concrete track which has a gradient in excess of 1 in 5. There is a history of flooding in Beck Lane and the residents are very sensitive about a potential increase in discharge created by this development. The lack of any highway gullies on Beck Lane does not help.

3. Local residents also think that most drivers will be reluctant to use the steep access track especially in wintry conditions. On these occasions cars will highly likely park on either the turning area at the end of Beck Lane (preventing vehicles turning) or on the Common Land which is an offence.

4. Pleased to note that the developer proposes to replace the culvert on his land with an open ditch. This will be of great benefit in acting as a storage area at times of maximum discharge from the catchment area.

5. What would also be of great benefit would be to rebuild the wall at the existing field gate. It is worth remembering that in 1982 the runoff from the catchment area for the beck caused the bridge parapet walls and road to collapse on the Hayton Lane End Road. This resulted in that road being closed for 6 weeks and the gas main to be severed over the same period

#### Following the receipt of revised plans:

Does not see any substantive differences that address the concerns raised when objecting to the original planning applications. They therefore continue to object on the same basis as they did in response to the original planning applications.

The Parish Council has submitted an application to the County Council to ask that the mistaken registration of the common land CL190 which includes Beck Bottom be amended to reflect the Parish Council's application to register that area at Beck Bottom as submitted by the PC back in 1968.

## **6. Officer's Report**

### **Assessment**

6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration.

6.3 The proposal raises the following planning issues.

1. Impact Of The Proposals On Listed Buildings

6.4 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.5 The bank barn, gin case, cart shed, pig hulls and walls are all listed Grade II. The listing for these is copied below.

*Bank barn, gincase and cart shed to the northwest of the farmhouse. Early C19. The bank barn in squared rubble with ashlar lintels and jambs, asbestos sheet roof. Entrance to barn from field on west elevation through sandstone porch with catslide roof. Entrances on ground floor of building from the yard to the east. This eastern elevation has a stable door with window and three byre doorways with two ventilation slits. Over one byre door is a winnowing door and to the right of this are two rows of ventilation slits. Gincase, attached to the west side of the bank barn and abutting the left return of the cartshed: two storeys, with two-window range to west face and north return, and one window to the south. Variety of openings to ground floor, several with sashes of an original design. Sandstone in squared rubble with ashlar corners; pyramidal roof of slate. Dated 1830 with initials A and FB for Abraham Bird. Also contains inserted date stone of 1683 with the initials ID:ID. Stone finial at roofs apex. Single-storey, sandstone cartshed with slate roof attached to the north of the bank barn. Also included in this listing are the single-storey pig hulls and brew house to the north of the bank barn and forming the northwest corner of the farmyard, as well as the sandstone walls enclosing a sheltered yard to the north.*

6.6 Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say 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.

6.7 Policy HE3 of the Carlisle District Local Plan 2015-2030 highlights that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

6.8 The ground floor of the gin case is equivalent to the first floor of the bank barn. The proposals are to create a doorway at ground floor level from the gin case to the bank barn. A lounge would be created on part of the first floor

of the bank barn and this would have a circular staircase which would provide access to the ground floor where a bedroom would be created and the second floor where a mezzanine seating area would be created. An office would be created in the cart shed that is attached to the north side of the bank barn.

- 6.9 The southern end of the bank barn would be converted to a new two-bedroom dwelling. Two bedrooms (one en-suite) and a bathroom would be provided on the ground floor, with an open plan lounge/ dining area/ kitchen being provided on the first floor and a mezzanine seating area being provided on the second floor.
- 6.10 The east elevation of the bank barn, which faces into the courtyard, currently has four doors and a window at ground floor level, a door at first floor level and a number of ventilation slits. New full height glazing would be installed within the door openings, with the existing timber boarded doors, including ironmongery, being retained as shutters. One new opening would be added at first floor level in the east elevation and this would match the existing openings in this elevation. The majority of the existing ventilation slits would be retained and these would be glazed internally without frames.
- 6.11 A new timber window would be added to the west elevation of the bank barn and this would have a full sandstone surround to match the existing windows. There would be no external changes to the south and north elevations of the bank barn.
- 6.12 The existing large opening in the east elevation of the cart shed would be fully glazed. The existing timber doors, including ironmongery, would be retained as shutters.
- 6.13 Externally the proposal involves the use of stained timber window frames and doors; aluminium rainwater goods; sandstone surrounds; the interior glazing of ventilation slits; and the re-roofing of the store building in slate. Two new flues would also be added to the building.
- 6.14 A new access would be created from Beck Lane and this would involve the removal of a section of the existing stone wall that adjoins Beck Lane, to the east of the existing pedestrian gate.
- 6.15 Following concerns from the Heritage Officer, the Ancient Monuments Society and the Council of British Archaeology, the plans have been amended to remove two new openings on first floor level in the east elevation of the bank barn; two new windows in the north elevation at eaves level; and one new window in the west elevation. The revised plans are now acceptable to both of the amenity groups.
- 6.16 The Council's Heritage Officer has been consulted on the application and he has raised no objections to the proposals, following the submission of amended plans. The alterations entirely satisfy the points raised by the Heritage Officer in his initial response and he considers that the application is now acceptable and is compliant with the considerations set out in

sections 16 and 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and Local Plan policy HE3 and SP6. Conditions should be attached to the listed building consent application which require all joinery details of proposed doors and windows to be submitted for approval by the LPA and details of the proposed pointing, including the mortar to be used, to be agreed with the LPA. A photographic survey of the completed building showing all elevations and interior spaces should also be submitted to the LPA prior to occupation of the proposed dwelling.

- 6.17 The proposals, which would bring the buildings back into use with sympathetic alterations are considered to be acceptable and they would not have an adverse impact on the listed bank barn or cart shed.

## **Conclusion**

- 6.18 The proposals would not have an adverse impact on the listed buildings. In all aspects, the proposals are considered to be compliant with the relevant policies in the adopted Local Plan.

## **7. Planning History**

- 7.1 In April 1994, planning permission and Listed Building Consent were granted for the change of use of agricultural building to dwelling (94/0155 & 94/0156).
- 7.2 In August 1994, planning permission and Listed Building Consent were granted for the change of use from agricultural building (gin case) to dwelling and associated alterations (94/0483 & 94/0484).
- 7.3 In September 1994, planning permission was refused for the formation of vehicular access from Beck Lane to serve dwelling to be formed from barn conversion (94/0659).
- 7.4 In April 2003, Listed Building Consent was granted for the conversion of dairy to provide ground floor WC & utility, addition of 2no. windows at first floor level, north elevation and alterations to bathroom to accommodate window (03/0190)
- 7.5 In July 2004, Listed Building Consent was refused for conversion of loft space to provide additional bedrooms (04/0762).
- 7.6 In November 2004, Listed Building Consent was granted for conversion of loft space to provide additional bedrooms and alteration to external wall (04/1237).
- 7.7 In February 2020, an application for Listed Building Consent for replacement of roof and guttering on the bank barn with galvanised sheeting was withdrawn prior to determination (20/0045).
- 7.8 In April 2020, an application for Listed Building Consent was approved for

replacement of roof with Welsh slate and installation of 8no. conservation rooflights; replace existing guttering and downpipes together with replacement of window in south gable (20/0154).

## **8. Recommendation: Grant Permission**

1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:

1. the submitted planning application form, received 20th April 2021;
2. Location Plan/ Existing & Proposed Block Plan (Dwg 2020\_830\_CH\_000\_A), received 6th July 2021;
3. Site Plan as Proposed (Dwg 2020/MT/830/03A), received 6th July 2021;
4. Floor Plans as Proposed (Dwg 2021/MT/685/03A), received 10th June 2021;
5. Elevations as Proposed (Dwg 2021/MT/685/04A), received 10th June 2021;
6. Elevations & Sections as Proposed (Access/Parking Area) (Dwg 2020/MT/830/04A), received 10th June 2021;
7. Heritage, Design & Access Statement, received 10th June 2021;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window. The windows shall then be implemented in accordance with these details.

**Reason:** To ensure that the proposals do not have an adverse impact on the listed building in accordance with Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.

4. Any pointing shall be undertaken with a cement-free lime mortar and shall

match the details on p21 of Historic England's guidance on the re-pointing of brick and stone walls.

**Reason:** To ensure that the proposals do not have an adverse impact on the listed building in accordance with Policies HE3 and SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the occupation of the building, a photographic survey of the completed building showing all elevations and interior spaces shall be submitted to the Local Planning Authority.

**Reason:** To provide a photographic record of the completed works.

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