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## Appeal Decision

Site visit made on 10 July 2017

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 August 2017**

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**Appeal Ref: APP/N4205/W/17/3168461**

**Lostock House Farm, Hall Lane, Lostock, Bolton BL6 4BS**

- 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 Westchurch Homes Ltd against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 97356/16, dated 2 September 2016, was refused by notice dated 1 December 2016.
  - The development proposed is the demolition of existing buildings and construction of 13 dwellings together with associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council's second reason for refusal related to the proposed loss of Lostock House Farm Farmhouse (the Farmhouse), a non-designated heritage asset, which the application sought to demolish along with other buildings. However, whilst the Council advise that this building was in situ at the time of their decision both parties acknowledge that it has subsequently been demolished. In light of these circumstances that the building no longer exists and therefore the development could have no effect on it, I consider that this would not be a main issue in the determination of the appeal.

### Main Issue

3. Therefore the main issue raised by this appeal is whether the setting of the former Gatehouse to Lostock Hall with Cottage Range to Rear (the Gatehouse), a grade II\* listed building, would be preserved, and consequently the effect the proposal would have on the character and appearance of the area.

### Reasons

4. The appeal site is an irregular shaped area of land bounded to the north west by Hall Lane and partly to the east by Mill Lane. At the time of my visit the only buildings on the site were part of an agricultural building adjacent to the boundary on the east side of the site and a construction compound in the western corner. A dense area of trees to the south largely isolates the site from industrial buildings to the south and west. A group of residential buildings set within mature trees lies to the east of the site and this includes the listed Gatehouse.

5. The three storey Gatehouse itself is dated 1590 and is an imposing stone structure. Its central archway means that its original function remains legible. The architectural detailing of the front façade and its grand appearance provides evidence of its former status and that of the Hall it served. The façade facing the appeal site is plainer but its scale and the distinctive scalloped parapet are apparent. The later and less ornate Cottage Range extends towards the appeal site and, along with a more recent building to the south west, have created a partly enclosed area, although those buildings are lower in height than the Gatehouse itself which remains the dominant feature. Its age, well preserved condition, historic integrity and contribution to the wider history of the former Hall estate all contribute to its significance. This is reflected in its grade II\* listing and Historic England's recognition as it being a building of high national interest.
6. The listed building's setting contributes to its significance and comprises a number of different elements, including its immediate surroundings of private gardens, mature trees and nearby cottages as well as the open area comprising the appeal site, together with large scale industrial buildings. Both the immediate and wider settings have changed considerably over time and continue to do so, in varying degrees of sympathy to the listed building. Whilst the loss of both the medieval and 1563 Lostock Halls, together with the recent demolition of the Farmhouse and farm buildings within the appeal site, have eroded the listed building's visual association with surrounding buildings, there remains a historical relationship with their former sites.
7. Moreover, the map analysis within the appellant's Heritage Impact Assessment (HIA) shows that the area immediately to the west of the Gatehouse, the space in front of the former Farmhouse and now part of the appeal site, has remained open since the 19th Century, establishing a strong visual as well as historic relationship. The consistent absence of development or structures on that part of the appeal site is an important part of its role in the setting of the Gatehouse, as is the intervisibility between them. That importance is not unduly diminished by the partial screening effect of the trees near the boundary, intervening out buildings or the character of those parts of the listed building which face the appeal site.
8. Therefore, notwithstanding the demolition of the Farmhouse, the open area of the appeal site close to the Gatehouse plays an important role in its setting, thereby contributing to its significance as a listed building. The National Planning Policy Framework (the Framework), at paragraph 132, confirms that significance can be harmed through development within the setting of a heritage asset.
9. The proposed development would create a small estate with detached houses closely arranged around a cul-de-sac layout with the majority presenting rear gardens to the site's boundaries. This includes three houses which would be situated close to the boundary with the Gatehouse. These would be situated close to one another and, particularly in the case of the layout of Plot 5, close to the Gatehouse and would only have modest gardens. This would leave relatively little undeveloped space between the proposed houses and the boundary and would significantly enclose that area.
10. The erosion of space within the Gatehouse's setting and increased degree of enclosure would result in the listed building appearing hemmed in by the

proposed houses opposite its rear elevation. This would not just be a function of the density of development of the site but the specific effect of the cramped arrangement of proposed houses close to the Gatehouse. This would affect the Gatehouse's significance by reducing the previously undeveloped area and the effect that has on the listed building's visual and historic context. The houses' unremarkable suburban design and materials would further undermine the setting of the listed building.

11. Visual separation by way of existing trees and proposed planting would not significantly mitigate the effects of the proximity and layout of the proposed houses whose small gardens would not permit significant tree or other planting in any event. I am not convinced that careful attention to matters such as landscaping, boundary treatments and building materials, which would be capable of being secured by conditions, could adequately mitigate these effects.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to the desirability of preserving the listed building or its setting in considering whether to grant planning permission. In doing so I consider that these effects would harm that part of the listed building's significance it derives from its setting by reducing the undeveloped area to the west within which it can be experienced and significantly enclosing that aspect of the Gatehouse which faces the appeal site. These harmful effects would also extend to the area's character and appearance given the important contribution the Gatehouse make to the area's existing character and appearance.
13. The proposal would be contrary to Core Strategy<sup>1</sup> Policies CG3 and OA1 which aim to conserve and enhance the significance of heritage assets including their settings and the physical environment of the Horwich and Blackrod area, amongst other criteria and objectives.
14. The Framework requires that great weight is given to the heritage asset's conservation. However the harm that would arise would be less than substantial, although this does not mean that the harm is not important. In such circumstances the Framework requires harm to be weighed against the public benefits of the proposal.
15. The appellants' argument that Bolton's housing land supply falls well short of five years has not been specifically contested by the Council in this case. In the circumstances, it adds modest weight to the public benefit arising from the provision of additional housing.
16. The Framework supports the re-use of previously developed land, as in this case. However, very limited additional benefit to historic heritage interests would be derived from retention and conversion of the small stone barn as a domestic garage, given that the Farmhouse would not be retained. There would be modest economic benefits by way of investment and employment through the construction phases of the development, through Council receipts of New Homes Bonus and additional council tax and in the longer term by occupiers' spending.

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<sup>1</sup> Local Development Framework – Bolton's Core Strategy Development Plan Document, 2011.

17. The environmental effects outlined by the appellant would appear to be more akin to mitigation of the effects of the scheme in terms of wildlife and biodiversity rather than benefits or enhancements. Whilst the site is currently in a cleared and partly overgrown state, this does not have a particularly adverse effect on the setting of the Gatehouse. The benefits of landscaping the site would not be significant and as such I cannot agree with the appellant that the development and landscaping of the site in the form proposed would enhance the listed building's setting.
18. The principle of housing development on the site has been established both through its allocation in the development plan<sup>2</sup> and a previous permission comprising a scheme which would have had a significantly less intensive layout in that part of the site nearest to the Gatehouse. The Council also point out that buildings in the appeal scheme would be situated closer to the Gatehouse than those in a subsequent planning permission for the site's development.
19. The appellant considers that this previous scheme would not have been a financially viable and deliverable scheme. However, even taking into account the site's configuration and infrastructure constraints, this does not amount to conclusive or convincing evidence that the appeal scheme would be the only configuration of development that would be deliverable on the site nor that the scheme's benefits could only be achieved in a way which would have the above effects on the listed building. The benefits of the appeal scheme would therefore be limited in light of the modest increase in numbers the proposal would deliver above that of the previous approval on the site.
20. These benefits do not therefore provide the clear and convincing justification for any harm to significance that the Framework requires. On balance, in giving considerable importance and weight to the harm identified above I do not consider that the harm would be outweighed by the benefits of the scheme. I have noted interested parties' concerns relating to other matters but they have not led me to alter my conclusion regarding the main issue.
21. Having carried out the balancing exercise I have found that the public benefits do not outweigh the harm to the significance of the heritage asset. This means that the Framework's presumption in favour of sustainable development at paragraph 14 would not be engaged as specific policies in the Framework (particularly paragraph 134) indicate that development should be restricted, there would be conflict with the development plan and the Act, and I have not found material considerations to override those conflicts.

## Conclusion

22. For the above reasons, and in exercising my statutory duty to have special regard to the preservation of the listed building's setting, giving this considerable importance and weight, the proposed development would harm the listed building's significance and the area's character and appearance, contrary to the development plan and the Framework. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR

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<sup>2</sup> Local Plan – Bolton's Allocation Plan, 2014.