

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 8TH JANUARY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH JANUARY 2025

Application Ref: 24/0684/FUL

Proposal: Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At Cross Gaits Inn, Beverley Road, Blacko, Lancashire

On behalf of: Mr John Kay

Date Registered: 03.10.2024

Expiry Date: 28.11.2024

Case Officer: Athira Pushpagaran

This application has been called in to committee by the Chair.

Site Description and Proposal

The application site is Cross Gaits Inn which is a Grade II Listed Building (Ref: 1273141) situated outside the settlement boundary within the open countryside. The building has been an inn since the early 18th Century. The inn has two storeys and to the rear of the site there are modern extensions that have been added at various stages in the 19th and 20th Century. The Cross Gaits Inn ceased trading as a public house in January 2023 and has been registered as an asset of community value. It is located at the corner of where Beverley Road meets Barnoldswick Road, with the main access being from Beverley Road. The application site is visible from these two highways and from PROWs FP1309032, FP1309033, FP1309001, FP1309005, FP1309007 and FP1309018 that passes close to it.

The application seeks to change the use of the public house (Sui Generis) to residential use (C3) and erect a two-storey dwelling to the rear of the site on the existing car park area. This is an amended scheme of previously refused application 23/0442/FUL for the same proposal. The proposed new house is identical to the one proposed under the previously refused application with the only difference in the scheme being the changes proposed to the public house building.

Relevant Planning History

23/0442/FUL Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park. Refused 09.10.2023

23/0444/LBC - Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access. Refused 09.10.2023

01/2023/ACV Proposed designation of Cross Gaits Inn as an Asset of Community Value. Accepted 31.01.2023

Consultee Response

Highways

The submitted documents and plans have been reviewed and the following comments are made.

History

23/0442/FUL - Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park. Refused 01/2023/ACV - Proposed designation of Cross Gaits Inn as an Asset of Community Value. Accepted as Asset of Community Value.

Proposal

The proposal is for the conversion of the existing pub into a three bed dwelling and the erection of a detached four bed dwelling, both with associated off-road car parking. This is the same proposal as previously submitted regarding the access and parking layout

Access

There is an existing vehicular access to the site off Beverley Road, which was the entrance to the pub's car park. No changes are proposed to this access. The highway authority considers the access is acceptable to serve the proposed development given the reduction in vehicular movements compared with the site's previous use.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. The parking provision submitted is at an appropriate level for the 2 number of bedrooms in each dwelling. Cycle storage is shown for the pub conversion. An electric vehicle charging point should also be provided.

The double garage for the new dwelling can also provide secure cycle storage and an electric vehicle charging point, both of which will improve the site's sustainability.

Construction traffic

The existing car park, although partially being lost to the construction of the new dwelling, would still retain sufficient space to provide off-road parking during the construction phase and would allow deliveries to be received internally to the site.

However, given the site's location near the junction with Barnoldswick Road, and the narrow carriageway width on Beverley Road beyond the site entrance, deliveries by HGVs during the construction phase should only be accepted between 9.00am and 2.30pm, to avoid peak traffic on the surrounding highway network.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved the following conditions are requested.

1. Deliveries by HGVs to the approved development during the construction phase shall only be accepted between the hours of 9.00am and 2.30pm, to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway safety.
2. Prior to first occupation the parking and turning areas shown on the approved plans shall be constructed and be made available for use in perpetuity. Reason: To prevent overspill car parking onto the surrounding network.
3. Prior to first occupation each dwelling shall have a secure, covered cycle store Reason: To support sustainable forms of transport

Parish/Town Council

I write on behalf of Blacko Parish Council, who at tonight's Parish Council Meeting discussed both the above planning applications. In response to the previous planning application the Parish Council said that development was more desirable than dereliction, that would still be our position as the applicant has failed to fulfil his obligation to maintain a listed building, however in response to the current application the Cross Gaits Community Pub Group has submitted a response which in the opinion of the Parish Council completely undermines the application, the Parish Council supports the opinions expressed by the community group.

PBC Environmental health

We are concerned about nuisance during the construction phase, we would therefore ask the conditions below are applied:

Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust - Burning onsite

Hour of Work – Operations

No machinery shall be operated, nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running. Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'. Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant. 2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'. Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

The Borough of Pendle Council has announced a climate emergency, therefore, to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Contaminated Land Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed and agreed with the local planning authority.

Growth Lancashire

I have reviewed the application documents. As the proposal does not present any significant alterations to those proposed under application 23/0442/FUL, please refer to Growth Lancashire comments dated 27 August 2023 in determining the applications.

Comments dated 27 Aug 2023:

Assessment

I have reviewed the supporting documents including the existing and proposed plans and elevations, proposed and existing site layout plans, design and access statement and heritage statement.

The site

The site is the former Cross Gaits Inn public house and land to the north which formed the car park to the public house. The Cross Gaits Inn is a grade II listed building possibly dating to the C17. It is understood to have been one or two small dwellings originally and was converted to a public house in circa 1736. It is two storeys and faced with local grit stone and sandstone with C18 mullioned windows at first floor and modern openings at ground floor, with evidence of earlier circa C17 blocked mullioned windows. The principal elevation is in three bays, the easterly bays contains the doorway with chamfered head and later stone jambs, the central bay contains a doorway with matching head which has been blocked historically. The westerly bay appears to be a slightly later extension, possibly dating to its conversion to public house use in the C18. The rear elevation has been subject to a number of C20 extensions which have impacted negatively on the

external rear elevation, although the gabled, re-roofed extension may be evident on late C19 mapping.

It faces onto the junction of Barnoldswick and Beverley Road and due to its raised position and location is prominent in views facing north.

Its significance lies in its architectural built form as a distinctive and prominent stone built former public house with visible evidence of earlier use as a small C17 house or cottages, and in its historic interest, the signs of domestic use and alterations associated with conversion to public house providing strong illustrative value. Communal value is derived from its continued use as a public house from the C18 until January 2023.

The car park to the rear is a large area of hardstanding which makes a small contribution to the significance of the listed building forming part of its land historically, but in its current form, visually detracts from the special interest of the asset. To the east of the hardstanding a line of modern fencing further detracts from the asset's setting.

The proposal

The proposal is for conversion of the former public house to residential use and construction of a new dwelling in the former car park area, to the rear of the listed building. The Cross Gaits ceased trading as a public house in January 2023 and has been registered as an asset of community value. It is currently vacant and requires maintenance. There is evidence of water ingress damaging the historic ceiling fabric. Internally there are circa C19 moulded door frames with chamfered jambs, hand hewn timber joists and purlins, an unusual timber filleted ceiling, and historic storage hooks in the ceiling of the southeast room. The door frame to the internal lobby, the strap hinge and pintle to the replacement front door which has received a traditional graining effect, the decorative wall treatment and the stag's head in the lobby all appear historic. These features should be retained in situ, as they contribute to the listed building's architectural and historic interest.

Proposed change of use and alterations

There is no objection to the principle of conversion to residential use. Loss of the continued public house use which contributes some communal value will I think cause only a very low level of less than substantial harm. However, as the building is currently vacant and requires maintenance and repair, and there is concern that should the listed building remain empty for a sustained period of time, further water ingress will cause more costly repair making its reuse less viable.

As identified in the submission, it is likely that the building was historically in residential use prior to becoming a public house, albeit I have to acknowledge that under the 'listing' it is regarded as a PH.

Paragraph 015 of the Planning Practice Guide (PPG) states if there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use.

I note the comments in the Heritage Statement (Garry Miller – dated June 2023) re impact of the proposals (section 8 of HS). I agree that the internal alterations are relatively minor and would cause little harm/loss. Aside from the features noted above, there is very little of significance remaining internally, apart from the plan form of the main building, which will be largely retained through the scheme.

Externally the proposal seeks to demolish the later C20 extensions which clutter the rear of the building and detract from the appearance of the building. This aspect of the scheme will better reveal the significance of the listed building and would be regarded as providing some benefit in terms of the appearance.

However, I do have concern that the re-roofed gabled extension may date to the late C19 as this appears to be shown on the 1893 OS map. This should be investigated and confirmed, but may form a useful utility/boot room if retained. If found to date from the C19, its loss would cause a low level (slight) of less than substantial harm.

The scheme proposes the addition of new top hung casements (mock sashes) which match the existing. Whilst the existing fenestration is a mix of C20 top hung mock sashes and casements windows it may enhance the scheme if more traditional styles of timber windows were used i.e. sliding sashes. I would regard this work as being a slight benefit. It is unclear from the list entry description whether these windows were in situ at the time of listing or whether they have been given permission since.

Overall, I find the conversion scheme to be generally sympathetic to the significance of the listed building and whilst I disagree with the view expressed in the HS that none of the works have an adverse impact (i.e. demolition of late C19 rear addition, minor internal layout changes) I agree that the removal of the modern additions and de-cluttering of the exterior and re-use of the building are all positive changes.

Set against this is the loss of the historic PH use which must be given some historic and communal value in the assessment. It is unclear in the submission whether the viability of maintaining the existing use has been tested and whilst I acknowledge that the PH is currently vacant, I have no evidence before me to suggest why the PH could not continue on site. In this respect it would be useful to have a commercial viability report. I think the unsubstantiated loss of the historic use diminishes the extent of public benefit generated.

Proposed new build

Setting

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

There is no objection to the principle of development in the grounds of the former public house. Although in the same ownership and used in conjunction with the public house (illustrated by the presence of now demolished outbuildings on C19 mapping), in its current form the existing hardstanding/carpark detracts from the significance of the listed building.

The proposed dwelling is considered to be of sufficient distance not to cause any harm to the listed building through development in its setting. Views to the most significant principal elevations of the listed building would not be affected. On approach from the south along Barnoldswick Road the new dwelling would be screened by the principle (front) elevation of the listed building, which sits on a prominent road-side junction location.

The existing rear car park site and its visual connection to the listed building is well screened from the other approaches and whilst the new dwelling will become a notable new addition on the site,

here both properties are not viewed together. In this regard any visual harm/impact will be very limited.

In relation to the design of the new dwelling, I note it is distinctly modern in concept and appearance, albeit it maintains a traditional long narrow form and pitched roof. The mix of natural stone and slate with more modern zinc cladding reinforces the contemporary nature of the design. If accepted I would recommend that conditions be added to any approval requiring the submission and agreement of suitable facing materials.

A landscaping scheme of native trees and hedges should be provided. This may help reinforce the visual separate of the site to the listed building and provide an improvement to the immediate setting of the listed building which is currently hard standing and modern fencing.

Should the proposal in its current form be recommended for approval, then conditions relating to the following aspects should be applied;

- Details of all windows and doors to the listed building (both internal and external) should be provided including suitable cross section drawings showing method of opening, all mouldings and their dimensions, any proposed new cills and their fixed position within the opening.
- Any external lighting to the new build and listed building and grounds should be provided.
- All historic features including the hand-hewn joists and purlins, moulded door frames, hooks in the ceiling of the south easterly room, the timber filleted ceilings at ground floor, the door frame to the internal lobby at ground floor, strap hinge and pintle to replacement front door; the stags head attached to the west wall in the lobby, and decorative treatment to the walls in the lobby should all be retained in situ.
- The building should be recorded prior to any works commencing. Further guidance should be provided on this from LCC Archaeology.
- Hard and soft landscaping scheme including proposed driveway materials should be provided, and maintained as such thereafter.
- A detailed methodology should be provided re the conversion repair works to the building including internal works. Details of any proposed thermal and noise upgrades should be submitted including indicative sections to illustrate sufficient ventilation and proposed materials.

Conclusion / recommendation

As I am required to do so, I have given the duties imposed by s16(2) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

Whilst I am not opposed in principle to the conversion of the listed building to residential use the submission provides no clear and convincing justification for the COU (NPPFP.200). Whilst I am mindful that finding a sustainable new use for the building is important the loss of the continued public house use, which contributes both historic and communal value will cause some low level of less than substantial harm.

The loss of the late C19 (?) gabled addition at the rear will cause a low level of less than substantial harm and its retention is recommended.

The proposed new build is considered to have a neutral impact on the significance of the listed building. The new dwelling would be of a sufficient distance not to cause any harm through development in its setting, and views of the principal elevation would not be affected.

P.200 of the NPPF requires any harm (at any level) to be clearly and convincingly justified. P.202 identifies where proposals cause less than substantial harm, this should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use.

Refurbishment of the existing property including its re-use likely brings forward some benefit, especially if this safeguards the future (and greater significance) of the property. However, the submission provides no evidence to indicate that this could not be done without a COU. I acknowledge that removal of the modern additions at the rear would also be considered some visual benefit which can be used by the LPA in its P.202 weighted balance.

Should the LPA consider that a positive balance can be achieved then the proposal would be in accordance with the guidance contained in Chapter 16 of the NPPF and comply with Policy ENV 1 and ENV 2 of the Local Plan.

United Utilities

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United

Utilities United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case-by-case basis by either by a building control professional or following a direct application to United Utilities.

Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines' which can also be found on our website: [standard-conditions-for-worksadjacent-to-pipelines-issued-july-2015.pdf](#) ([unitedutilities.com](#))

The level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Drainage

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

Environment Officer/Trees

Requested an Arboricultural Impact Assessment that includes a Tree Protection Plan showing how the trees are going to be protected during the proposed development phase.

The applicant submitted an arboricultural report following this and the following further comments were received from the tree conservation officer:

This 'Arboricultural Constraints Appraisal' is fully detailed and correct in its assessment. If you are minded to approve this application, I will need to see an Arboricultural Method Statement that includes a Tree Protection Plan, which can be conditioned.

PBC Public Rights of way

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, and a site and press notice have been displayed. 32 neighbourhood responses have been received with 31 of them being objections and 1 in support. Where several responses were received from different residents of the same address they were counted as one.

The objections raised the following issues:

- The new dwelling would impact on local amenity and conflicts with Pendle's open land policies.
- Cross Gaits Inn is a heritage asset, and its conversion would result in a detrimental impact to the site. Public houses are important socially, culturally and economically within a community and its change of use to a dwelling would result in an adverse impact to its historic significance, contrary to NPPF Paragraph 190.

- The proposed change of use of and physical alterations to the Public House will both cause harm to the significance of the Grade II Listed Building.
- There is no clear and convincing justification for the proposed change of use of Cross Gaits Inn to become a dwelling. The loss of this community facility would be contrary to the Pendle Local Plan Core Strategy ENV1, SUP1 and the National Planning Policy Framework (NPPF) Paragraph 200
- The erection of the new dwelling would mean that the car park would be lost for the customers of the public house. The loss of the car parking with the public house being the lawful use would lead to parking on the highway which would lead to a danger to road users. The development would lead to a danger on the highway contrary to paragraph 111 of the National Planning Policy Framework
- Despite what is presented in these applications, there has been significant interest and investment from the local community to try and retain The Cross Gaits as a community asset, evidenced by the formation of The Cross Gaits Community Pub Group committee (including information evidencing the interest)
- Most community businesses supported operate in areas of market failure. They are also predominantly based in rural areas, which are often remote with poor or no public transport, where community businesses enable people to access core services that many take for granted. The existence of these businesses can be transformative for people on low incomes, living with disabilities, or those with caring responsibilities.
- The survey by the Cross Gaits community pub group demonstrate a desire from the community for a wide variety of activities from and uses for The Cross Gaits, including Co-working Space, Coffee Mornings, Warm Bank, School Walking Bus, Guided Circular Walks and Parcel drop-off/collection, which could be provided by a community-owned business.
- The property has been marketed for sale at an unrealistic and overinflated price, hence the low number of interested parties, contrary to what is stated in the summary provided by the applicant
- When The Cross Gaits Community Pub Group dealt with the agent, his client stated that "any offer would have to be at or very close to the asking price", which was £595,000 on 14th Nov 2023. The property was purchased for £405,000 on 3rd March 2023, and since then no material improvements have been made to the property to justify this significant and unrealistic 47% price increase, especially given the economic headwinds on the hospitality sector
- The Business and Valuation Analysis from The Cross Gaits Community Pub Group commissioned RICS 'Red Book' valuation report provides ample evidence that this property was marketed at double the current market value of The Cross Gaits Pub and so could never realistically achieve this asking price.
- One might wonder whether the price the property was being marketed at was merely a cynical attempt to prevent any interested parties from realistically bidding for it, including The Cross Gaits Community Pub Group Ltd, and to use that as tacit evidence of a lack of interest in support of these applications
- change of use is not the only viable option for the building's continued use
- Contrary to what is stated in the Planning Statement the Cross Gaits Inn was not forced to close due to financial constraints. The Cross Gaits Inn was active and sustainable prior to its recent closure, and its positive contribution supported the conservation of the listed building heritage assets and the economic vitality of the community.

- a meaningful, reasonable and market-based offer from The Cross Gaits Community Pub Group Ltd was emailed to the agent on 18th September 2024, but conveniently not acknowledge by them until 4th October 2024, after the date on these letters and reports being sent.
- The independent Chartered Surveyor who produced the RICS valuation of The Cross Gaits for The Cross Gaits Community Pub Group stated that "from information available in the public domain, my investigations, meeting with The Cross Gaits Community Pub Group, and my experience of over 38 years in the licensed trade, it is possible to see there is a sustainable business for the pub
- The assertion made in the Planning Statement that the "location of the pub away being outside reasonable walking distance of Blacko...makes it unsuitable for alternate sustainable community use", is not borne out by any evidence provided in the applications. The fact that it is at the crossroads of at least four, well used footpaths and the junction of two busy roads proves that this is a ridiculous statement. Recent examples of large-scale community use at this location where events such as the annual bonfire night and the Pendle Pub Walk, clearly demonstrating that this is within walking distance for many people, and with the large pub car park, also facilitates those who wish to use travel by other forms of transport, to access it easily.
- The Heritage Statement is dated June 2023 and is the unchanged and discredited report from the previous applications (23/0444/LBC & 23/0442/FUL), which were strongly objected to by both The Georgian Group and The Council for British Archaeology
- In the Heritage Statement, Executive Summary, it is stated in Paragraph 5 that "The listed building has reached the end of its life as licensed premises". This statement is factually incorrect as up to December 2022 it was still functioning successfully as licensed premises as it has done for over three-hundred years, despite the lack of investment from previous owners. I would also comment that it is beyond the assessor's remit or expertise to comment on the commercial viability of the property.
- The Assessment continues in Paragraph 6 to state that "None of the proposed works are considered to be adverse." Fundamentally changing the use of a Grade II Listed historic Inn from an Asset of Community Value to a private dwelling could only ever be considered to be adverse
- Paragraph 7 states "There will therefore be no adverse effect upon its setting". I fail to see how an ultra-modern building adjacent to an historically important "building of National importance" can be seen as having no adverse effect on its setting, a view shared by the Council for British Archaeology in its original report, which noted "The CBA are concerned that the scale, massing and design of this [the proposed additional dwelling on the car park] would dominate the site and overpower the listed public house"
- Finally, the Heritage Assessment's own words supposedly supporting the application surely contradict themselves, and evidence why the application should not have even been made at all: "Its significance essentially derives from the intrinsic special architectural and historic interest that has warranted its designation". Paragraph 8 states that "the proposal is in accordance with both national guidance and the local development plan policy". Both factually incorrect, it is in direct conflict with the National Planning Policy Framework, and locally the Inn being an Asset of Community Value."
- The Heritage Assessment itself damns the development far more than supporting it. In the Pendle area we have 326 listed buildings, 11 of which are in Blacko alone - that is

something to be proud of and we should do all we can to ensure that this number does not decrease in our lifetime.

- The layout and appearance of the new property is unchanged from the previous applications (23/0444/LBC & 23/0442/FUL), the applications' Design & Access Statement proposes that the new dwelling be built with a "modern aesthetic", and propose the use of contemporary materials externally, including zinc cladding. Such modern design and materials clash with the existing listed building's historic aesthetic (they will "clash between materials and era" as is cited in the applicant's own Design & Access Statements), detracting from the significance of this heritage asset and at odds with many other traditional stone-built houses in the area, thus having an adverse effect on its setting.
- Furthermore, the proposed new building is to be developed on an elevated position fronting Beverley Road, which will interrupt the wider surroundings and open views of the countryside and be visible across the open landscape of the surrounding agricultural fields through which Public Rights of Way exists, used regularly by many people to enjoy these same open countryside views.
- As a Grade II listed building, the applicant has an obligation to preserve the state of the building.
- The applications' Design & Access Statements, section 9, mentions "sustainability", yet there is no mention of using the to determine the dwellings' environmental performance, and there is no evidence in the applications which addresses the sustainability of various aspects of the development.
- No mention of ecological surveys including a bat survey
- No mention of how the foul and sewage will be dealt with. Currently there is an old septic tank on the opposite side of the road to the southeast of The Cross Gaits which has been known to discharge effluent into the water course.
- Makes several sweeping statements about sustainable development which are not supported by any factual evidence such as: The development is sustainable because it is on existing developed land rather than undeveloped land. What is sustainable about the: Design? Materials to be used in construction? How run off is to be treated? How foul and sewage is to be treated? Energy efficiencies? Sustainable energy solutions? The power requirements for the developments, and whether there is sufficient power capacity in the existing local infrastructure, or will it mean a further drain on existing neighbouring properties?
- Pendle have a 5.61-year housing land supply. Whilst the Core Strategy Policy LIV1 allows for development within a settlement boundary, these applications do not add any meaningful housing solutions and are also contentious as they remove an historic, much loved and used community asset.
- Policy WRK 2 protects employment uses. Marketing is required to demonstrate the existing use is no longer wanted. Whilst the owner/applicant's agent states that "the property has been placed on the market for 6 months and no offer of substance has been received or accepted by the owner" this should be taken in context. No sales board was placed on the property
- the asking price at £595,000 - where "any offer would have to be at or very close to the asking price" - was double the market value of The Cross Gaits Pub (as established by an independent RICS 'Red Book' valuation commissioned by The Cross Gaits Community Pub Group Ltd) and £190,000 more than the owner/applicant actually paid for The Cross Gaits, despite him spending nothing on the property and neglecting it for nearly 2 years.

Therefore, it is of absolutely no surprise that the owner/applicant considers no offer of substance has been received. This 'marketing' campaign is complete smoke and mirrors, is intended to mislead all stakeholders and contradicts the survey results collected by The Cross Gaits Community Pub Group

- Pendle Policies WRK1, WRK2 and WRK5 and WRK6 provide encouragement for rural economic development and Pendle's declared focus is to support sustainable tourism and farm diversification which capitalise on the natural, cultural, and historic assets of the area. Redevelopment of The Cross Gaits Inn and the subsequent loss of a key tourist destination robs the community of the ability to support itself, provide employment and protect our local cultural and historic assets.
- Policy WRK 2 provides encouragement to rural economic development and Pendle's declared focus is to support sustainable tourism and farm diversification which capitalise on the natural, cultural and historic assets of the area. There are several local rural farm tourism diversifications who have been directly affected by the closure of The Cross Gaits Inn. At the time of its closure, it was the only pub in Blacko village which served food. It provided a wonderful amenity and was extremely popular with both residents and visitors alike
- Ultimately The Cross Gaits pub has suffered from a lack of meaningful investment by successive landlords over the years. At the time of the original sale in December 2021, there was interest from private investors - matching the asking price - to buy The Cross Gaits with a view to undertaking a full renovation. However, the vendor would not entertain additional offers and accepted the offer from the owner/applicant who was prepared to pay over the odds. We can only assume from a commercial perspective that it was intended to be a redevelopment opportunity. There is no doubt that The Cross Gaits is viable as a public house, and one must only look at nearby examples of those pubs which are thriving
- Policy SUP-1 states that the Council will resist the loss of community facilities that require a change of use application, unless evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR it can be proven that the property has been vacant and actively marketed for a community use for over one year. The applications provide no evidence to meaningfully support either of these key tests.
- Policy ENV1 states that "The potential effects of a proposed development on species and habitats of principal importance will be a material consideration in the determination of planning applications". These applications fail to demonstrate proper protection of UK biodiversity on the site, fail to demonstrate any measures that avoid any potential harm to the green infrastructure, or where harm cannot be avoided, sufficiently mitigate the effects of this development. The applications do not enhance biodiversity, nor provide any environmental "net gain" proposals either
- The Cross gates pub is an asset to both local and district communities and would be a great loss if closed.
- The Inn has been in existence for almost 300 years, what a wonderful heritage asset to the Pendle area. We should protect it if at all possible. The proposed change of use & alteration to the building will result in harm to this Grade 11 Listed Building
- The effect of this development on the local landscape & the loss of enjoyment of this heritage asset by local people & tourists to Pendle would be detrimental & it should not be permitted

The supports raised the following:

- Without planning permission, the building would fall into disrepair. It will be a welcome addition to Blacko.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

SUP1: Resists the loss of community facilities that require a change of use unless there is evidence of an appropriate alternative use, the facility is no longer required or it has been marketed for community use for over a year.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Para 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Para 213 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 215 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Officer Comments

The proposal is outside the settlement boundary of Blacko and within the open countryside. The principal material considerations for the application are as follows:

Design and Materials

The proposal involves the change of use of the inn building with alterations to its exterior to convert into a residential dwelling. The proposed alterations include demolition of the ancillary flat roof extensions to the rear and the vestibule lean on extension to the rear and removing the pub signage from front elevation. The existing main entrance to the inn would be retained as the main entrance to the house with an additional pedestrian entrance from the parking area to the rear. Externally the building is proposed to be retained as it is with repairs where necessary with matching materials, including windows, walls, gutters, and roof.

The proposal also includes the erection of a new dwelling to the rear of the inn building accessed by the existing access from Beverly Road. The proposed two storey dwelling would be erected to an area of hardstanding, which was the car park for Cross Gaits Inn. It would have a linear dual pitched element through the middle with a single storey flat roof projection to the rear and a two-storey flat roof element to the front elevation, forming roughly a cross shaped floor plan. The detached dwelling would have 4 bedrooms and would use stone, charred timber (blackened), black drip edge coping, and zinc cladding on external walls. The dwelling would have black window frames with cast stone window surrounds, Black drip edge coping and blue slate on the roof. The access to the new dwelling would be through the existing access to the carpark from Beverley Road. The existing hedges along Beverley Road and to the northeast boundary would be retained. The design of the proposed new dwelling is identical to that included in the previously refused application 23/0442/FUL.

The proposed dwelling is considered to be of sufficient distance not to cause any harm to the listed building through development in its setting. Views to the most significant principal elevations of the listed building would not be affected. On approach from the south along Barnoldswick Road the new dwelling would be screened by the principle (front) elevation of the listed building, which sits on a prominent road-side junction location. The proposed design is distinctly modern in concept and appearance, albeit it maintains a traditional long narrow form and pitched roof. The mix of natural stone and slate with more modern zinc cladding reinforces the contemporary nature of the design. A condition can be added to ensure the external materials would be more in keeping with the setting of the listed building and its countryside location.

There is existing access from Beverley Road into what would be a shared driveway. The access to the agricultural land to the north would continue to be accessible via the private road. A farmer's track would be constructed along the northeast boundary of the proposed dwelling formed using

gravel. The existing entrance to the field would be moved into alignment with the proposed access track.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, development in the countryside SPG and the Adopted Pendle Design principles SPD.

Community Facility

Policy SUP1 of the Pendle Local Plan relates to community facilities. Community facilities aims to plan positively for the provision and use of shared spaces. In rural areas of Pendle, these include public houses. As per policy SUP1 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Council will resist the loss of community facilities that require a change of use application unless:

- an appropriate alternative is provided, OR
- evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR
- it can be proven the property has been vacant and actively marketed for a community use for over one year

The Inn serves the local community. It has been designated as an Asset of Community Value which helps to demonstrate that it is an asset within the community and hence policy SUP 1 is engaged alongside the policies in the Framework. The application for an alternative use of the public house would need to be supported by a statement which covers one or more of the above exceptions, along with evidence.

The conservation officer in their comments noted that a commercial viability report would be required to establish that the viability of maintaining the existing use has been tested and that the use could not viably continue on site. No such commercial viability report was submitted as part of this application. The property was sold initially due to the lack of trade and the property being in constant debt and the rental levels not being satisfied. The applicant has provided the rental income figures and volume of beer sold from 2020 to 2023. It is noted that the public house stopped operating in January 2023. The submitted information however appears incomplete and does not sufficiently establish that it was not viable to use the building as a public house. Consequently, the case for establishing the proposal as an appropriate alternative has not been adequately made.

The public house ceased operations in January 2023. It has been vacant for over one year. However, the heritage statement indicates that the property was only marketed for six months, with no substantial offers received or accepted by the applicant. It is also noted that the building was marketed at a price that is close to a 50% increase from the price at which the property was bought in 2023, with no material improvements being made. No justification has been provided to support this valuation. Despite being given the opportunity, the applicant has neither demonstrated that the property was actively marketed for a community use for the required period of over one year nor at a reasonable price.

In this case the proposal does not sufficiently justify the loss of the community facility and would be contrary to SUP1 of the of the Adopted Pendle Local Plan Part 1: Core Strategy

Heritage

Externally the proposal seeks to demolish the later C20 extensions to the listed building which clutter the rear of the building and detract from the appearance of the building. This aspect of the scheme will better reveal the significance of the listed building and would be regarded as providing

some benefit in terms of the appearance. During the assessment of the previous application which also sought to demolish a gabled extension to the rear, it was noted that this re-roofed gabled extension may date to the late C19. The current proposal seeks to retain this element and remove the rest of the later extensions.

The loss of the continued public house use, which contributes both historic and communal value will cause some low level of less than substantial harm. The proposed new build is considered to have a neutral impact on the significance of the listed building. Para 208 of the NPPF identifies where proposals cause less than substantial harm, this should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use. The removal of the modern additions at the rear would be considered to have some visual benefit. Refurbishment of the existing property including its re-use likely brings forward some benefit, especially if this safeguards the future (and greater significance) of the property. However, the proposal provides no evidence to indicate that this could not be done without a change of use. In this case the public benefits of the scheme would not outweigh the harm to the significance of the heritage asset.

Overall, the proposal would not be acceptable in this location and would be contrary to policy SUP1, ENV1 of the of the Adopted Pendle Local Plan Part 1: Core Strategy, paragraph 213 and 215 of the NPPF

Residential Amenity

The proposed dwelling would be more than 21m away from the former Inn. The former inn is also at least 21m away from the side elevation of Cross Gaits Cottage which is the nearest other residential neighbour to the application site.

The development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The loss of car parking area would result in on street parking elsewhere on neighbouring roads which would have an unacceptable impact on highway safety, especially considering the site's location near the junction with Barnoldswick Road, and the narrow carriageway width on Beverley Road beyond the site entrance. Additionally, the loss of the public house being unacceptable the issue of parking to cater for customers must be considered. The erection of a dwelling on the car park of the public house would seriously impact its viability; therefore, the erection of the dwelling would be unacceptable in regard to Saved Policy 31 Parking Standards.

LCC highways requests the addition of conditions regarding HGV traffic, parking spaces and provision of cycle store if approved.

PBC Environmental health

The Environmental Health does not object to the proposal and requests a condition regarding controlling Construction Phase Nuisance.

Trees

An Arboricultural Constraints Appraisal has been submitted and is found acceptable. A condition requiring an Arboricultural Method Statement that includes a Tree Protection Plan would be required if approved, to ensure that the trees are protected. A landscaping scheme would also need to be conditioned in case of an approval.

Other matters

No ecology or bat assessment has been carried out as part of the application. In case of an approval this would need to be conditioned.

RECOMMENDATION: Refuse

Due to the following reason(s):

1. There is no clear and convincing justification for the proposed change of use of Cross Gaits Inn to become a dwelling. The proposal would result in the loss of a community facility and would result in less than substantial harm to the significance of the heritage asset and would be contrary to the Pendle Local Plan Core Strategy ENV1, SUP1 and the National Planning Policy Framework (NPPF) Paragraph 215.
2. The erection of the dwelling would mean that the car park would be lost for the customers of the public house. The loss of the car parking with the public house being the lawful use would lead to parking on the highway which would lead to a danger to road users. The development would lead to a danger on the highway contrary to paragraph 116 of the National Planning Policy Framework.

Application Ref: 24/0684/FUL

Proposal: Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At Cross Gaits Inn, Beverley Road, Blacko, Lancashire

On behalf of: Mr John Kay

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH JANUARY 2025

Application Ref: 24/0685/LBC

Proposal: Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At Cross Gaits Inn, Beverley Road, Blacko, Lancashire

On behalf of: Mr John Kay

Date Registered: 03.10.2024

Expiry Date: 28.11.2024

Case Officer: Athira Pushpagaran

This application has been called in to committee by the Chairperson.

Site Description and Proposal

The application site is Cross Gaits Inn which is a Grade II Listed Building (Ref: 1273141) situated outside the settlement boundary within the open countryside. The building has been an inn since the early 18th Century. The inn has two storeys and to the rear of the site there are modern extensions that have been added at various stages in the 19th and 20th Century. The Cross Gaits Inn ceased trading as a public house in January 2023 and has been registered as an asset of community value. It is located at the corner of where Beverley Road meets Barnoldswick Road, with the main access being from Beverley Road. The application site is visible from these two highways and from PROWs FP1309032, FP1309033, FP1309001, FP1309005, FP1309007 and FP1309018 that passes close to it.

The application seeks to change the use of the public house (Sui Generis) to residential use (C3) and erect a two-storey dwelling to the rear of the site on the existing car park area. This is an amended scheme of previously refused application 23/0444/LBC for the same proposal. The proposed new house is identical to the one proposed under the previously refused application with the only difference in the scheme being the changes proposed to the listed building. There would be a stone wall erected to the rear periphery of the site. The spotlights and signage would be removed and the stonework would be re-pointed. There would be double glazed sash-style windows to the side elevations and the lights to each side of the door to the south would be replaced.

Relevant Planning History

23/0442/FUL Full: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park. Refused 09.10.2023

23/0444/LBC - Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and alterations to access. Refused 09.10.2023

01/2023/ACV Proposed designation of Cross Gaits Inn as an Asset of Community Value. Accepted 31.01.2023

Consultee Response

Parish/Town Council

I write on behalf of Blacko Parish Council, who at tonight's Parish Council Meeting discussed both the above planning applications. In response to the previous planning application the Parish Council said that development was more desirable than dereliction, that would still be our position as the applicant has failed to fulfill his obligation to maintain a listed building, however in response to the current application the Cross Gaits Community Pub Group has submitted a response which in the opinion of the Parish Council completely undermines the application, the Parish Council supports the opinions expressed by the community group.

Growth Lancashire

I have reviewed the application documents. As the proposal does not present any significant alterations to those proposed under application 23/0442/FUL, please refer to Growth Lancashire comments dated 27 August 2023 in determining the applications.

Comments dated 27 Aug 2023:

Assessment

I have reviewed the supporting documents including the existing and proposed plans and elevations, proposed and existing site layout plans, design and access statement and heritage statement.

The site

The site is the former Cross Gaits Inn public house and land to the north which formed the car park to the public house. The Cross Gaits Inn is a grade II listed building possibly dating to the C17. It is understood to have been one or two small dwellings originally and was converted to a public house in circa 1736. It is two storeys and faced with local grit stone and sandstone with C18 mullioned windows at first floor and modern openings at ground floor, with evidence of earlier circa C17 blocked mullioned windows. The principal elevation is in three bays, the easterly bays contains the doorway with chamfered head and later stone jambs, the central bay contains a doorway with matching head which has been blocked historically. The westerly bay appears to be a slightly later extension, possibly dating to its conversion to public house use in the C18. The rear elevation has been subject to a number of C20 extensions which have impacted negatively on the external rear elevation, although the gabled, re-roofed extension may be evident on late C19 mapping.

It faces onto the junction of Barnoldswick and Beverley Road and due to its raised position and location is prominent in views facing north.

Its significance lies in its architectural built form as a distinctive and prominent stone built former public house with visible evidence of earlier use as a small C17 house or cottages, and in its historic interest, the signs of domestic use and alterations associated with conversion to public house providing strong illustrative value. Communal value is derived from its continued use as a public house from the C18 until January 2023.

The car park to the rear is a large area of hardstanding which makes a small contribution to the significance of the listed building forming part of its land historically, but in its current form, visually detracts from the special interest of the asset. To the east of the hardstanding a line of modern fencing further detracts from the asset's setting.

The proposal

The proposal is for conversion of the former public house to residential use and construction of a new dwelling in the former car park area, to the rear of the listed building. The Cross Gaits ceased trading as a public house in January 2023 and has been registered as an asset of community value. It is currently vacant and requires maintenance. There is evidence of water ingress damaging the historic ceiling fabric. Internally there are circa C19 moulded door frames with chamfered jambs, hand hewn timber joists and purlins, an unusual timber filleted ceiling, and historic storage hooks in the ceiling of the southeast room. The door frame to the internal lobby, the strap hinge and pintle to the replacement front door which has received a traditional graining effect, the decorative wall treatment and the stag's head in the lobby all appear historic. These features should be retained in situ, as they contribute to the listed building's architectural and historic interest.

Proposed change of use and alterations

There is no objection to the principle of conversion to residential use. Loss of the continued public house use which contributes some communal value will I think cause only a very low level of less than substantial harm. However, as the building is currently vacant and requires maintenance and repair, and there is concern that should the listed building remain empty for a sustained period of time, further water ingress will cause more costly repair making its reuse less viable.

As identified in the submission, it is likely that the building was historically in residential use prior to becoming a public house, albeit I have to acknowledge that under the 'listing' it is regarded as a PH.

Paragraph 015 of the Planning Practice Guide (PPG) states if there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use.

I note the comments in the Heritage Statement (Garry Miller – dated June 2023) re impact of the proposals (section 8 of HS). I agree that the internal alterations are relatively minor and would cause little harm/loss. Aside from the features noted above, there is very little of significance remaining internally, apart from the plan form of the main building, which will be largely retained through the scheme.

Externally the proposal seeks to demolish the later C20 extensions which clutter the rear of the building and detract from the appearance of the building. This aspect of the scheme will better reveal the significance of the listed building and would be regarded as providing some benefit in terms of the appearance.

However, I do have concern that the re-roofed gabled extension may date to the late C19 as this appears to be shown on the 1893 OS map. This should be investigated and confirmed, but may form a useful utility/boot room if retained. If found to date from the C19, its loss would cause a low level (slight) of less than substantial harm.

The scheme proposes the addition of new top hung casements (mock sashes) which match the existing. Whilst the existing fenestration is a mix of C20 top hung mock sashes and casements windows it may enhance the scheme if more traditional styles of timber windows were used i.e. sliding sashes. I would regard this work as being a slight benefit. It is unclear from the list entry description whether these windows were in situ at the time of listing or whether they have been given permission since.

Overall, I find the conversion scheme to be generally sympathetic to the significance of the listed building and whilst I disagree with the view expressed in the HS that none of the works have an adverse impact (i.e. demolition of late C19 rear addition, minor internal layout changes) I agree that the removal of the modern additions and de-cluttering of the exterior and re-use of the building are all positive changes.

Set against this is the loss of the historic PH use which must be given some historic and communal value in the assessment. It is unclear in the submission whether the viability of maintaining the existing use has been tested and whilst I acknowledge that the PH is currently vacant, I have no evidence before me to suggest why the PH could not continue on site. In this respect it would be useful to have a commercial viability report. I think the unsubstantiated loss of the historic use diminishes the extent of public benefit generated.

Proposed new build

Setting

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

There is no objection to the principle of development in the grounds of the former public house. Although in the same ownership and used in conjunction with the public house (illustrated by the presence of now demolished outbuildings on C19 mapping), in its current form the existing hardstanding/carpark detracts from the significance of the listed building.

The proposed dwelling is considered to be of sufficient distance not to cause any harm to the listed building through development in its setting. Views to the most significant principal elevations of the listed building would not be affected. On approach from the south along Barnoldswick Road the new dwelling would be screened by the principle (front) elevation of the listed building, which sits on a prominent road-side junction location.

The existing rear car park site and its visual connection to the listed building is well screened from the other approaches and whilst the new dwelling will become a notable new addition on the site, here both properties are not viewed together. In this regard any visual harm/impact will be very limited.

In relation to the design of the new dwelling, I note it is distinctly modern in concept and appearance, albeit it maintains a traditional long narrow form and pitched roof. The mix of natural stone and slate with more modern zinc cladding reinforces the contemporary nature of the design. If accepted I would recommend that conditions be added to any approval requiring the submission and agreement of suitable facing materials.

A landscaping scheme of native trees and hedges should be provided. This may help reinforce the visual separate of the site to the listed building and provide an improvement to the immediate setting of the listed building which is currently hard standing and modern fencing.

Should the proposal in its current form be recommended for approval, then conditions relating to the following aspects should be applied;

- Details of all windows and doors to the listed building (both internal and external) should be provided including suitable cross section drawings showing method of opening, all mouldings and their dimensions, any proposed new cills and their fixed position within the opening.
- Any external lighting to the new build and listed building and grounds should be provided.
- All historic features including the hand-hewn joists and purlins, moulded door frames, hooks in the ceiling of the south easterly room, the timber filleted ceilings at ground floor, the door frame to the internal lobby at ground floor, strap hinge and pintle to replacement front door; the stags head attached to the west wall in the lobby, and decorative treatment to the walls in the lobby should all be retained in situ.
- The building should be recorded prior to any works commencing. Further guidance should be provided on this from LCC Archaeology.
- Hard and soft landscaping scheme including proposed driveway materials should be provided, and maintained as such thereafter.
- A detailed methodology should be provided re the conversion repair works to the building including internal works. Details of any proposed thermal and noise upgrades should be submitted including indicative sections to illustrate sufficient ventilation and proposed materials.

Conclusion / recommendation

As I am required to do so, I have given the duties imposed by s16(2) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

Whilst I am not opposed in principle to the conversion of the listed building to residential use the submission provides no clear and convincing justification for the COU (NPPFP.200). Whilst I am mindful that finding a sustainable new use for the building is important the loss of the continued public house use, which contributes both historic and communal value will cause some low level of less than substantial harm.

The loss of the late C19 (?) gabled addition at the rear will cause a low level of less than substantial harm and its retention is recommended.

The proposed new build is considered to have a neutral impact on the significance of the listed building. The new dwelling would be of a sufficient distance not to cause any harm through development in its setting, and views of the principal elevation would not be affected.

P.200 of the NPPF requires any harm (at any level) to be clearly and convincingly justified. P.202 identifies where proposals cause less than substantial harm, this should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use.

Refurbishment of the existing property including its re-use likely brings forward some benefit, especially if this safeguards the future (and greater significance) of the property. However, the submission provides no evidence to indicate that this could not be done without a COU. I acknowledge that removal of the modern additions at the rear would also be considered some visual benefit which can be used by the LPA in its P.202 weighted balance.

Should the LPA consider that a positive balance can be achieved then the proposal would be in accordance with the guidance contained in Chapter 16 of the NPPF and comply with Policy ENV 1 and ENV 2 of the Local Plan.

Joint Committee of The National Amenity Societies

No response

Historic England

Thank you for your letter of 3 October 2024 regarding the above application for listed building consent. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Council for British Archaeology

Thank you for notifying the Council for British Archaeology (CBA) about the above application. The CBA registered an objection to a previous application for this site, No. 24/00372/LBC in July 2023. Based on the information supplied with this application, the CBA offer the following advice to assist you in your decision making. **Significance** The Cross Gaits Inn appears to be a purpose-built public house that dates from the early 18th century. Its national importance as such is recognised by its designation at Grade II (NHLE No. 1273141). Whilst a Heritage Assessment has been submitted it does not fully get to grips with the site's significance. This Statement has not been improved upon since the previous application. The phased development of the building, and its evidential value, is not understood and the potential impact of the scheme on the significant aspects of the site is not appropriately considered. As well as historical and evidential values associated with its age, development and prominent location at the junction of three roads, the Cross Gaits clearly holds considerable communal value. Its role within the local community is recognised by its registration as an Asset of Community Value (ACV). **Comments** Fundamental to the Cross Gaits' heritage significance is its purpose built construction as a public house in the 18th century. Based on this and its continued use as such until 2022, it follows that its optimum future use from a heritage perspective is as a public house. The Cross Gaits was registered as an Asset of Community Value (ACV) after its closure, demonstrating its continuing importance to people in the area. The CBA are aware that a Community Benefit Society, The Cross Gaits Community Pub Group Ltd have subsequently formed and are working to make a meaningful offer to purchase the site and retain it as a community asset. Again, the CBA would like to flag NPPF paragraph 208 as pertinent to the principle of this application – "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, where appropriate, securing its optimum viable use." Converting this public house into a residential dwelling will harm the site's heritage significance. The loss of an Asset of Community Value does not deliver public benefits. We therefore advise that for your LPA to approve this application you should be convinced that a residential conversion and development of the open rear curtilage represents the optimal viable use for the site. Whilst there are live opportunities to maintain the Cross Gaits' use as a public house the CBA do not believe this to be the case. The reduced quantity of demolition to the listed building makes this application an improvement on the previous scheme. However, there is no assessment of the impact this scheme would have on the listed building in terms of its historic fabric or evidence of a conservation led approach to the proposed works, which fails to meet the requirements of NPPF paragraphs 200 and 205. It also compromises your LPA's ability to discharge the duties placed on you by paragraph 201. Proposals for the listed building still appear secondary to the substantial dwelling proposed on the carpark. The allocation of garden area between the two dwellings exacerbates a hierarchy within the site that would make the listed building read as subservient and secondary to the new build proposed. The CBA maintain that if your LPA accept the principle of developing a second house on the carpark, its design should respect the prominence of the public house, which is a key component of its significance as a listed building. The CBA do not support the construction of a substantial dwelling on the carpark, which would jeopardise the viability of the Cross Gaits as a public house. **Recommendations** The CBA object to the principle of converting

the Cross Gaits into a dwelling for the harm this would cause the site's heritage significance without the necessary 'clear and convincing justification' for this harm, required by NPPF paragraph 206. It is not demonstrated that a domestic conversion represents the optimal viable use for the building, required by NPPF paragraph 208, to outweigh the harm to heritage significance or public benefits from the scheme to outweigh the harm. The CBA believe both reasons for refusal of application 23/0444/LBC equally apply to the current application. We advise that this application should be refused by your LPA on the same grounds. Furthermore, paragraph 205 requires that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

Public Response

The nearest neighbours have been notified by letter, and a site and press notice have been displayed. 32 neighbourhood responses have been received with 31 of them being objections and 1 in support. Where several responses were received from different residents of the same address they were counted as one.

The objections raised the following issues:

- The new dwelling would impact on local amenity and conflicts with Pendle's open land policies.
- Cross Gaits Inn is a heritage asset, and its conversion would result in a detrimental impact to the site. Public houses are important socially, culturally and economically within a community and its change of use to a dwelling would result in an adverse impact to its historic significance, contrary to NPPF Paragraph 190.
- The proposed change of use of and physical alterations to the Public House will both cause harm to the significance of the Grade II Listed Building.
- There is no clear and convincing justification for the proposed change of use of Cross Gaits Inn to become a dwelling. The loss of this community facility would be contrary to the Pendle Local Plan Core Strategy ENV1, SUP1 and the National Planning Policy Framework (NPPF) Paragraph 200
- The erection of the new dwelling would mean that the car park would be lost for the customers of the public house. The loss of the car parking with the public house being the lawful use would lead to parking on the highway which would lead to a danger to road users. The development would lead to a danger on the highway contrary to paragraph 111 of the National Planning Policy Framework
- Despite what is presented in these applications, there has been significant interest and investment from the local community to try and retain The Cross Gaits as a community asset, evidenced by the formation of The Cross Gaits Community Pub Group committee (including information evidencing the interest)
- Most community businesses supported operate in areas of market failure. They are also predominantly based in rural areas, which are often remote with poor or no public transport, where community businesses enable people to access core services that many take for granted. The existence of these businesses can be transformative for people on low incomes, living with disabilities, or those with caring responsibilities.
- The survey by the Cross Gaits community pub group demonstrate a desire from the community for a wide variety of activities from and uses for The Cross Gaits, including Co-

working Space, Coffee Mornings, Warm Bank, School Walking Bus, Guided Circular Walks and Parcel drop-off/collection, which could be provided by a community-owned business.

- The property has been marketed for sale at an unrealistic and overinflated price, hence the low number of interested parties, contrary to what is stated in the summary provided by the applicant
- When The Cross Gaits Community Pub Group dealt with the agent, his client stated that "any offer would have to be at or very close to the asking price", which was £595,000 on 14th Nov 2023. The property was purchased for £405,000 on 3rd March 2023, and since then no material improvements have been made to the property to justify this significant and unrealistic 47% price increase, especially given the economic headwinds on the hospitality sector
- The Business and Valuation Analysis from The Cross Gaits Community Pub Group commissioned RICS 'Red Book' valuation report provides ample evidence that this property was marketed at double the current market value of The Cross Gaits Pub and so could never realistically achieve this asking price.
- One might wonder whether the price the property was being marketed at was merely a cynical attempt to prevent any interested parties from realistically bidding for it, including The Cross Gaits Community Pub Group Ltd, and to use that as tacit evidence of a lack of interest in support of these applications
- change of use is not the only viable option for the building's continued use
- Contrary to what is stated in the Planning Statement the Cross Gaits Inn was not forced to close due to financial constraints. The Cross Gaits Inn was active and sustainable prior to its recent closure, and its positive contribution supported the conservation of the listed building heritage assets and the economic vitality of the community.
- a meaningful, reasonable and market-based offer from The Cross Gaits Community Pub Group Ltd was emailed to the agent on 18th September 2024, but conveniently not acknowledge by them until 4th October 2024, after the date on these letters and reports being sent.
- The independent Chartered Surveyor who produced the RICS valuation of The Cross Gaits for The Cross Gaits Community Pub Group stated that "from information available in the public domain, my investigations, meeting with The Cross Gaits Community Pub Group, and my experience of over 38 years in the licensed trade, it is possible to see there is a sustainable business for the pub
- The assertion made in the Planning Statement that the "location of the pub away being outside reasonable walking distance of Blacko...makes it unsuitable for alternate sustainable community use", is not borne out by any evidence provided in the applications. The fact that it is at the crossroads of at least four, well used footpaths and the junction of two busy roads proves that this is a ridiculous statement. Recent examples of large-scale community use at this location where events such as the annual bonfire night and the Pendle Pub Walk, clearly demonstrating that this is within walking distance for many people, and with the large pub car park, also facilitates those who wish to use travel by other forms of transport, to access it easily.
- The Heritage Statement is dated June 2023 and is the unchanged and discredited report from the previous applications (23/0444/LBC & 23/0442/FUL), which were strongly objected to by both The Georgian Group and The Council for British Archaeology
- In the Heritage Statement, Executive Summary, it is stated in Paragraph 5 that "The listed building has reached the end of its life as licensed premises". This statement is factually

incorrect as up to December 2022 it was still functioning successfully as licensed premises as it has done for over three-hundred years, despite the lack of investment from previous owners. I would also comment that it is beyond the assessor's remit or expertise to comment on the commercial viability of the property.

- The Assessment continues in Paragraph 6 to state that "None of the proposed works are considered to be adverse." Fundamentally changing the use of a Grade II Listed historic Inn from an Asset of Community Value to a private dwelling could only ever be considered to be adverse
- Paragraph 7 states "There will therefore be no adverse effect upon its setting". I fail to see how an ultra-modern building adjacent to an historically important "building of National importance" can be seen as having no adverse effect on its setting, a view shared by the Council for British Archaeology in its original report, which noted "The CBA are concerned that the scale, massing and design of this [the proposed additional dwelling on the car park] would dominate the site and overpower the listed public house"
- Finally, the Heritage Assessment's own words supposedly supporting the application surely contradict themselves, and evidence why the application should not have even been made at all: "Its significance essentially derives from the intrinsic special architectural and historic interest that has warranted its designation". Paragraph 8 states that "the proposal is in accordance with both national guidance and the local development plan policy". Both factually incorrect, it is in direct conflict with the National Planning Policy Framework, and locally the Inn being an Asset of Community Value."
- The Heritage Assessment itself damns the development far more than supporting it. In the Pendle area we have 326 listed buildings, 11 of which are in Blacko alone - that is something to be proud of and we should do all we can to ensure that this number does not decrease in our lifetime.
- The layout and appearance of the new property is unchanged from the previous applications (23/0444/LBC & 23/0442/FUL), the applications' Design & Access Statement proposes that the new dwelling be built with a "modern aesthetic", and propose the use of contemporary materials externally, including zinc cladding. Such modern design and materials clash with the existing listed building's historic aesthetic (they will "clash between materials and era" as is cited in the applicant's own Design & Access Statements), detracting from the significance of this heritage asset and at odds with many other traditional stone-built houses in the area, thus having an adverse effect on its setting.
- Furthermore, the proposed new building is to be developed on an elevated position fronting Beverley Road, which will interrupt the wider surroundings and open views of the countryside and be visible across the open landscape of the surrounding agricultural fields through which Public Rights of Way exists, used regularly by many people to enjoy these same open countryside views.
- As a Grade II listed building, the applicant has an obligation to preserve the state of the building.
- The applications' Design & Access Statements, section 9, mentions "sustainability", yet there is no mention of using the to determine the dwellings' environmental performance, and there is no evidence in the applications which addresses the sustainability of various aspects of the development.
- No mention of ecological surveys including a bat survey

- No mention of how the foul and sewage will be dealt with. Currently there is an old septic tank on the opposite side of the road to the southeast of The Cross Gaits which has been known to discharge effluent into the water course.
- Makes several sweeping statements about sustainable development which are not supported by any factual evidence such as: The development is sustainable because it is on existing developed land rather than undeveloped land. What is sustainable about the: Design? Materials to be used in construction? How run off is to be treated? How foul and sewage is to be treated? Energy efficiencies? Sustainable energy solutions? The power requirements for the developments, and whether there is sufficient power capacity in the existing local infrastructure, or will it mean a further drain on existing neighbouring properties?
- Pendle have a 5.61-year housing land supply. Whilst the Core Strategy Policy LIV1 allows for development within a settlement boundary, these applications do not add any meaningful housing solutions and are also contentious as they remove an historic, much loved and used community asset.
- Policy WRK 2 protects employment uses. Marketing is required to demonstrate the existing use is no longer wanted. Whilst the owner/applicant's agent states that "the property has been placed on the market for 6 months and no offer of substance has been received or accepted by the owner" this should be taken in context. No sales board was placed on the property
- the asking price at £595,000 - where "any offer would have to be at or very close to the asking price" - was double the market value of The Cross Gaits Pub (as established by an independent RICS 'Red Book' valuation commissioned by The Cross Gaits Community Pub Group Ltd) and £190,000 more than the owner/applicant actually paid for The Cross Gaits, despite him spending nothing on the property and neglecting it for nearly 2 years. Therefore, it is of absolutely no surprise that the owner/applicant considers no offer of substance has been received. This 'marketing' campaign is complete smoke and mirrors, is intended to mislead all stakeholders and contradicts the survey results collected by The Cross Gaits Community Pub Group
- Pendle Policies WRK1, WRK2 and WRK5 and WRK6 provide encouragement for rural economic development and Pendle's declared focus is to support sustainable tourism and farm diversification which capitalise on the natural, cultural, and historic assets of the area. Redevelopment of The Cross Gaits Inn and the subsequent loss of a key tourist destination robs the community of the ability to support itself, provide employment and protect our local cultural and historic assets.
- Policy WRK 2 provides encouragement to rural economic development and Pendle's declared focus is to support sustainable tourism and farm diversification which capitalise on the natural, cultural and historic assets of the area. There are several local rural farm tourism diversifications who have been directly affected by the closure of The Cross Gaits Inn. At the time of its closure, it was the only pub in Blacko village which served food. It provided a wonderful amenity and was extremely popular with both residents and visitors alike
- Ultimately The Cross Gaits pub has suffered from a lack of meaningful investment by successive landlords over the years. At the time of the original sale in December 2021, there was interest from private investors - matching the asking price - to buy The Cross Gaits with a view to undertaking a full renovation. However, the vendor would not entertain additional offers and accepted the offer from the owner/applicant who was prepared to pay

over the odds. We can only assume from a commercial perspective that it was intended to be a redevelopment opportunity. There is no doubt that The Cross Gaits is viable as a public house, and one must only look at nearby examples of those pubs which are thriving

- Policy SUP-1 states that the Council will resist the loss of community facilities that require a change of use application, unless evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR it can be proven that the property has been vacant and actively marketed for a community use for over one year. The applications provide no evidence to meaningfully support either of these key tests.
- Policy ENV1 states that "The potential effects of a proposed development on species and habitats of principal importance will be a material consideration in the determination of planning applications". These applications fail to demonstrate proper protection of UK biodiversity on the site, fail to demonstrate any measures that avoid any potential harm to the green infrastructure, or where harm cannot be avoided, sufficiently mitigate the effects of this development. The applications do not enhance biodiversity, nor provide any environmental "net gain" proposals either
- The Cross gates pub is an asset to both local and district communities and would be a great loss if closed.
- The Inn has been in existence for almost 300 years, what a wonderful heritage asset to the Pendle area. We should protect it if at all possible. The proposed change of use & alteration to the building will result in harm to this Grade 11 Listed Building
- The effect of this development on the local landscape & the loss of enjoyment of this heritage asset by local people & tourists to Pendle would be detrimental & it should not be permitted

The supports raised the following:

- Without planning permission, the building would fall into disrepair. It will be a welcome addition to Blacko.

Relevant Planning Policy

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation which in this case is primarily the Planning (Listed Buildings and Conservation Areas) act 1990 ("the Act").

The Act states in section 16:

"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be

permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SUP1 relates to community facilities. Community facilities – aims to plan positively for the provision and use of shared spaces. In rural areas of Pendle, these include public houses, SUP1 states that the Council will resist the loss of such facilities unless;

- an appropriate alternative is provided, OR
- evidence is presented that the facility is no longer required or financially viable and that the facility cannot provide for an alternative community use (including health and education facilities) identified as being needed in the area, OR
- it can be proven the property has been vacant and actively marketed for a community use for over one year.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 212 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 215 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

Officer Comments

The comments that have been made on the application relate not only to this application but to the planning application for a change of use and for the application to erect a house on the site. Whilst there are interlinking relationships between these applications, this application seeks listed building consent for the works described in this application. Although the application is described as a change of use this application is in effect for the works associated with that to the fabric of the building. This application needs to be considered in this context.

The principal material considerations for the application are as follows:

Design and Heritage Impact

The Council have received a comprehensive analysis of the application from a Conservation Officer at Growth Lancashire.

The proposal would change the use of the existing Inn (Sui Generis) to a single dwelling (C3) and would entail external and internal alterations, along with alterations to the access.

Para 212 of the NPPF states that great weight should be given to a designated heritage assets conservation and any level of harm should be considered. The extensions to the rear of the Inn that were modern additions to the Listed Building would be demolished, which are the porch and toilet block, possibly revealing more of the Listed Building, reinstating the original footprint of the building. The kitchen block which was proposed to be demolished in the previously refused 23/0444/LBC is retained in the current scheme. This would result in less than substantial harm, contrary to NPPF Para 212. However, this aspect of the scheme would better reveal the significance of the listed building and would be regarded as providing some benefit in terms of the appearance.

Following the removal of the rear extensions, the openings to the rear elevation would be reconfigured. And the rear wall would be built up with rubble to match the existing wall. To the rear elevation there would two new external doors, an additional window fitted to the existing hatch opening. The spotlighting and signage of the pub would be removed. The existing dry verge would be repointed and guttering repaired and replaced like for like where necessary. The internal changes would be minimal and of lower value than the external alterations. The ceiling beams being the most significant remaining internal historic features. A stone retaining wall would be erected to the rear periphery, creating a yard area. There would be steps leading up to the property from Barnoldswick Road. To the north there would be parking space for two vehicles at an angle of circa 35 degrees to the Listed Building, with steps down to the yard.

The Framework, Paragraph 213 states that any harm to or loss of the significance of a heritage asset, from its alteration, destruction or development within its setting require clear and convincing justification. No such acceptable justification has been provided for the loss of the historic and communal value of the public house, contrary to NPPF Para 213.

Paragraph 203 of the Framework states that proposals should set out a positive strategy for the conservation and enjoyment of the historic environment, including assets at risk through neglect, decay or other threats. This involves putting them to viable uses and includes wider social, cultural and economic benefits that the conservation of the historic environment brings. The re-opening of the building as a public house would meet these criteria in a way that converting it to a dwelling

would not. As there is no evidence to suggest that the use of the building as a dwelling would have any wider social, cultural, economic or environmental benefits.

The conversion of the public house to a dwelling would affect the historic significance of the site. The changes to the building could damage its historic features and the building would lose its character and historic use. Public houses are important socially, culturally and economically within a community. Therefore, Listed Building Consent should not be granted, as the development is contrary to NPPF Paragraph 203.

The change of use of the Public House to a dwelling and the physical alterations this would entail would cause less than substantial harm to the significance of the Grade II Listed Building. No convincing justification for this loss of the significance of a designated heritage asset has been provided and no public benefits have been demonstrated to weigh against the harm. The development is contrary to ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 212, 213 and 215 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

1. Cross Gaits Inn is a heritage asset and were this public house to be converted to a dwelling it would result in a detrimental impact to the site. Public houses are important socially, culturally and economically within a community and its change of use to a dwelling would result in an adverse impact to its historic significance. Therefore, Listed Building Consent should not be granted, as the development is contrary to NPPF Paragraph 203.
2. The proposed change of use of and physical alterations to the Public House will both cause less than substantial harm to the significance of the Grade II Listed Building. There is no clear and convincing justification for this loss of the significance of a designated heritage asset and thus no public benefits have been demonstrated to weigh against the harm, therefore the development is contrary to ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 212, 213 and 215 of the National Planning Policy Framework.

Application Ref: 24/0685/LBC

Proposal: Listed Building Consent: Change of use of pub (Sui Generis) to a dwelling (C3) and the erection of 1 no. dwelling on existing car park.

At Cross Gaits Inn, Beverley Road, Blacko, Lancashire

On behalf of: Mr John Kay

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH JANUARY 2025

Application Ref: 24/0742/HHO

Proposal: Full: Erection of a garage attached to plant store.

At Far Banks Farm, Cross Lane, Barley, Lancashire

On behalf of: Mark Platt

Date Registered: 24.10.2024

Expiry Date: 19.12.2024

Case Officer: Athira Pushpagaran

This application has been called in to committee by the Chairperson.

Site Description and Proposal

The application site is an existing detached former farm dwelling on Cross Lane. It is located within the Open Countryside and the Forest of Bowland National Landscape (formerly Area of Outstanding Natural Beauty). The main access is from an access track from Cross lane. The application site has an extended upper garden area to the south of the dwelling, which slopes upward from the house, nearly reaching the level of the main roof's eaves. The dwelling has random natural stonework, slate tiled pitched roof, light grey and green composite doors and windows.

The proposed development is the erection of a garage attached to plant store. The plant store was approved as part of 24/0493/HHO, which replaced an existing larger garden pod at the same location.

Relevant Planning History

24/0712/CND Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 24/0493/HHO. Discharged. 2024

24/0493/HHO Full: Stone cladding to first floor Western elevation; timber cladding to single-storey extension; erection of a single-storey outdoor store for plant; flat roof of single-storey extension to be used as external terrace with balustrade; walkway to access upper garden level; un-obscuring roof-lights and various windows; and the relocation of an existing garden pod. Approved with Conditions.2024

24/0262/CEA Certificate of Lawfulness (S.192 Proposed Development): Erection of a single storey rear extension, insertion of rooflights and various changes to existing openings. Certificate issued. 2024

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development. The proposed garage

is considered adequately sized internally to provide two car parking spaces. The retained manoeuvring area within the site will still allow vehicles to enter and leave in forward gear.

Parish/Town Council

We have been asked to comment on the following application submitted in relation to the construction of an outbuilding / garage at Far Banks Farm, Barley, and we considered the application at our meeting held on 13 November 2024.

The Parish Council are familiar with the property and the setting since there have been planning and certificate of lawfulness applications during the year; the approach seems to be incremental applications.

As part of application 24/0095/HHO approval was given to the construction of a "plant room" for which no dimensions were provided at the time but from this application we now know the size of the plant room to be 4.05m wide and 3.6m long. The proposed garage, at 6.0m x 6.8m, will be attached to the plant room. This will make the combined structure 9.6m x 6.8m with a height of 4.3m as seen from Cross Lane.

When discussing this application, members had consideration of a recent similar planning application at Manknowles (23/0279/HHO) in Barley which was refused by PBC. The Parish Council recognises there are differences between the two properties but also some similarities.

Members concluded that the site occupies a highly prominent position in the open countryside and the surrounding landscape, it is visible from Cross Lane and various footpaths in all directions. The setting is open fields and wooded areas with scattered farm buildings and dwellings. Given the size of the building, it would significantly increase the built form into the wider landscape. The property is outside the settlement boundary.

Consideration of the design raises the question of why the eaves of 3.5m are so high for a garage and whether the shape has any consideration of the existing shape of the barn conversion property. For example, the stone slate roof slope is very shallow when compared to the property.

Members agreed to object to this application due to the proposed siting and design of the proposed outbuilding in a visually prominent position. The development would harm the character and landscape of the Forest of Bowland Area of Outstanding Natural Beauty as it would appear incongruous in its setting and provide a form alien to the character of the area and would thus be contrary to Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy

TPO Environment officer/Trees

No response

AONB Manager

No response

PBC Public Rights of Way

No response

Public Response

The nearest neighbours have been notified by letter, with no response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Forest of Bowland AONB Supplementary Planning Guidance applies to development within the AONB

Officer Comments

The proposed development is situated outside the settlement boundary of Barley and falls within open countryside and the Forest of Bowland National Landscape. The principal material considerations for the application are as follows:

Design and materials

The proposal seeks to erect a garage attached to the plant store towards the front of the dwelling. The proposed extension would be set into the slope of the ground with the ground raising upwards

to its rear. It would follow the slope of the roof of the plant store and would have a gabled front elevation. It would be 4.3m tall at the ridge and 3.5m at the eaves from the front. At the rear it would be 3.2m high at the ridge and 2.4m at the eaves. There is an existing large tree to its rear which offers substantial screening to much of the existing house and the plant store from possible views public vantage points. The proposed garage would have random natural stone masonry walls with stone quoins, timber garage doors, stone slate roof with integrated solar roof system. The proposed development would not be prominently visible from public vantage points, and it proposes a design and materials that would be sympathetic to the character of the dwelling and its setting within the open countryside and the Forest of Bowland national landscape and would be acceptable.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Development in the Open Countryside SPG, and Forest of Bowland AONB SPG.

Landscape and Visual Impact

The application site falls within the Moorland Fringe Character zone in the Open countryside. The Development in Open countryside SPG advises walling materials should be in natural colours, tones and textures such as neutral grey and roofs to be in dark grey/blue- or stone-coloured materials and to avoid visibility against skyline. The Forest of Bowland AONB SPG advises that new buildings should be constructed of materials which complement the character or appearance of the surrounds.

The proposed development would not have any components that would be more visible against the skyline than that is already existing within the dwelling's curtilage. The materials used are all of natural colours and textures and would complement the character and appearance of the existing the dwelling. The proposed development would be acceptable in accordance with policy ENV1, Design principles SPD, Forest of Bowland AONB SPG and Development in Open countryside SPG.

Residential Amenity

The nearest residential neighbour 22 Newchurch is more than 300m away from the application site and the proposal is for a garage extension. The proposed development in this case would not result in any unacceptable impact on the residential amenity of its neighbours. Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

Trees

The site consists of a few trees and no tree is removed as part of the proposal. A tree survey has been conducted and a tree protection plan has been submitted along with the application. This is acceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by 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 development hereby permitted shall be carried out in accordance with the following approved plans:

- 04 Proposed Garage & Plant Store (received 24.10.24)
- 01 Location Plan (received 24.10.24)
- 03 Proposed Site Plan (received 24.10.24)
- Tree Protection Plan by Lakeland tree consultancy (received 24.10.24)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

Application Ref: 24/0742/HHO

Proposal: Full: Erection of a garage attached to plant store.

At Far Banks Farm, Cross Lane, Barley, Lancashire

On behalf of: Mark Platt

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH JANUARY 2025

Application Ref: 24/0826/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.

At: Land To The East Of Ebenezer Chapel, Gisburn Road, Blacko

On behalf of: Mr Reegah Haigh

Date Registered: 27/11/2024

Expiry Date: 07/01/2025

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is an area of open land to the north and east of Ebenezer Chapel, with access from Gisburn Road. To the east are allotments to the north the land rises up to Blacko Hill and to the south is Beverley Road.

This application is for Permission in principle for up to five dwellings.

Relevant Planning History

None relevant

Consultee Response

LCC Highways - Gisburn Road is classified A682 and is subject to a maximum speed limit of 30mph controlled by average speed cameras. For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of X 2.4m by Y 43m should be provided (Manual for Streets). The splay could be offset by 1m from the kerb as there is no footway on this side of Gisburn Road.

Visibility splays should be provided over land within the applicant's ownership and/or the public highway network. The proposed access shown on the site layout plan (Drawing ADM24/28/01 dated October 2024) shows visibility splays in both directions to the correct measurements however they are over third party land.

The visibility splay to the South-East side of the new access lies significantly across third party land, resulting in a greatly reduced splay of approximately 5m which is significantly below the required 43m. There are also stone pillars on third party land at the chapel which are higher than 1m. Therefore the splay cannot be implemented or controlled in the future by the applicant.

The visibility splay to the North-West side of the access also lies significantly across third party land, resulting in a greatly reduced splay of approximately 8m which is significantly below the required 43m. There is a large cornerstone on the boundary wall of the adjacent War Memorial which obstructs visibility due to the differences in ground level. Again the splay cannot be implemented or controlled in the future by the applicant. For the above reason, the highway authority raises an objection to the proposal as insufficient visibility splays are likely to result in an

unacceptable conflict with highway users on Gisburn Road which is an A classified road carrying a significant amount of traffic.

PBC Environmental Heath – Request a construction management condition and contaminated land informative.

Blacko Parish Council – The above planning application has been discussed by Blacko Parish Council, and we would like to comment as below.

The Village has had a number of applications approved near the village settlement boundary over the last few years, some of which have not yet been actually developed. We do not believe that the proposed development therefore meets the local need of the village and as it is outside the settlement boundary should not be approved in principle for development.

The Parish Council supports the settlement policy in the new Pendle Local Plan 4th Edition which is nearing the end of its preparation and therefore significant weight should be given to the open countryside policy to be applied outside of the Blacko village boundary

Public Response

A site notice was posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Highway safety risk from the access, additional traffic, parking and proximity to a school
- Lack of footway connecting to the site
- Increase in on-street parking
- Impact on the character of the village and landscape
- Impact on views of Blacko Tower
- Flooding
- Lack of need for housing of this type
- Impact on the Listed war memorial
- Removal of a tree with a TPO
- The field homes nesting curlew
- The indicative proposal is not in keeping with the area
- Insufficient infrastructure in the village to support the development

Officer Comments

This is an application for a Permission in Principle (“PIP”). This is a form of planning application that has been specifically allowed to come forward as an alternative to normal planning applications.

The scope of permission in principle is limited to location, land use and the amount of development. A decision must be made in accordance with relevant policies in the development plan but based around the three factors.

A site that benefits from a PIP would then be subject of a further application for Technical Details Consent. The principle could not however be revisited at that stage.

This type of application can only be determined on matters of the principle of the development with its scope limited to location, land use and the amount of development.

Conditions and/or planning obligations cannot be imposed at this stage. If approved a Technical Details Consent application would be required before the development taking place, that would

include details such as plans and technical reports. Conditions and planning obligations can only be imposed at that stage.

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy SDP2 requires that developments are in a sustainable location and well related to an existing settlement.

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. For Rural Pendle development of five or more dwellings in Rural Pendle there is a requirement to provide 20% affordable housing. This would be a matter for the Technical Details stage.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Location of the Development

Policy LIV1 states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will be accepted.

Blacko Parish Council has suggested that the policies of the Pendle Local Plan Fourth Edition should be given significant weight in making this decision, the Local Plan Fourth Edition is not at a stage where its policies can be given determinative weight.

This site is located immediately adjacent to the settlement boundary of Blacko and is a sustainable location for new development, the location of the proposed development is acceptable in principle in terms of location.

Visual Amenity

The impact on the visual amenity of the area is a matter to be fully assessed at the technical details stage, however, it must be considered whether in principle a development of up to five dwellings can be accommodated on the site without unacceptable visual impacts.

It is relevant that an appeal of the refusal of an outline planning application with all matters reserved for 19 dwellings was dismissed on an adjacent site to the west (ref: 13/15/0624P). That appeal also dealt with only with the principle of that development. The Inspector concluded that:

In plan form this would appear to be an appropriate form of development. There is already a mixed ribbon of older terraces and more recent detached and semi-detached dwellings along the road elsewhere in the village. However in this case the landform rises sharply from the road particularly at the eastern end of the site and then sweeps up to the summit of Blacko Hill where the Stansfield Tower is a distinctive local landmark on the skyline. Coming up the main road from the south the field provides a pleasant natural break in the street scene and allows views to the tower on the skyline. This openness makes a significant positive contribution to village character and gives a separate identity to the cluster of development in this part of the village.

Development here would result in a loss of this green and open aspect and the loss of local views to the skyline. Even with considerable excavation into the slope new development would be likely to have an overbearing impact on the street scene, out of scale with the roadside cottages to the east. This would be contrary to the advice in the Lancashire Landscape Strategy. The site lies within the Moorland Fringe (South Pendle Fringe) Landscape Character Area which encompasses land situated on the upland slopes between the moors and the more intensively farmed lowlands. The Strategy seek to protect the upper slopes from development particularly near skylines and to respect the characteristic settlement pattern of small isolated clusters of dwellings. This is something development of the appeal site would signally fail to do.

This development would have a very similar impact viewed from Beverly Road, which is a characterful road where there is an attractive open vista of Blacko Hill and Stansfield Tower. In principle development of this site for up to five dwellings would restrict and alter the rural character of that view, this would result in an unacceptable harm to the character of the village and the visual amenity of the area.

The minor economic and social benefits of the development of five dwellings would not outweigh the harm to the character of the village and the visual amenity of the area.

Heritage Impact

The site is located adjacent to the Blacko War Memorial, which is a Grade 2 Listed structure. The impact on the setting of the Listed Building is a matter to be fully assessed at the technical details stage, however, in principle this site is set back behind the chapel and in principle could feasibly be developed in a way that would not harm the setting of the listed building.

Residential Amenity

This is a matter for assessment at the Technical Details Stage, however, in principle the developemnt of the site would not result in any unacceptable residential amenity impacts.

Highways

Highways impacts are a matter to be considered at the Technical Details stage, however, the submitted plans show acceptable visibility splays albeit over what appears to be third party land.

Land ownership details are not required for a PIP application and the PIP application can't be refused on this basis, however, if this application were approved a subsequent Technical Details Consent application could potentially be refused if acceptable visibility splays cannot be ensured.

Other matters

Concerns have been raised regarding impact on trees, protected species and flood risk. There are all matters that can only be considered to the Technical Details stage.

Lack of need for the developemnt and inadequate infrastructure have also be raised as concerns, there is no basis to refuse the principle of this developemnt on those grounds.

RECOMMENDATION: Refuse

The development of this site for up to five dwellings would in principle result in an unacceptable impact upon the character and visual amenity of the area contrary to policies ENV1, ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy.

Application Ref: 24/0826/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.

At: Land To The East Of Ebenezer Chapel, Gisburn Road, Blacko

On behalf of: Mr Reegah Haigh

