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## Appeal Decisions

Hearing held on 4 October 2016

Site visit made on 4 October 2016

**by Nigel Harrison BA (Hons) MRTPI**

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

**Decision date: 10 October 2016**

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### **Appeal A: Ref: APP/Y3425/W/16/3149181**

#### **The Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Warren Cook against the decision of Stafford Borough Council.
  - The application Ref: 15/23472/HOU dated 23 December 2015, was refused by notice dated 17 February 2016.
  - The development proposed is conversion of garage and stable, replacement of lean-to structure and erection of a garden room extension.
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### **Appeal B: Ref: APP/Y3425/Y/16/3149212**

#### **The Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Warren Cook against the decision of Stafford Borough Council.
  - The application Ref: 15/23473/LBC dated 23 December 2015, was refused by notice dated 17 February 2016.
  - The works proposed are conversion of garage and stable, replacement of lean-to structure and erection of a garden room extension.
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## Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for conversion of the garage and stable, replacement of lean-to structure, and erection of a garden room extension at the Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS in accordance with the terms of the application, Ref: 15/23472/HOU dated 23 December 2015, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for conversion of garage and stable, replacement of lean-to structure, and erection of a garden room extension at the Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS in accordance with the terms of the application Ref: 15/23473/LBC dated 23 December 2105, subject to the conditions set out in the Schedule attached to this decision.

## Main Issues

3. I consider there are two main issues in this case:

- The effect of the proposed development and works on the special architectural and historic interest of this Grade II curtilage listed building;
- The effect of the proposal on the appearance of the existing building and surrounding area having regard to the building's former agricultural use.

## Reasons

### *Background*

4. The appeal relates to two buildings (north building and south building) aligned in an 'L' shaped configuration which, although distinct, are attached at one corner externally. The buildings are located to the west of Grade II listed Walford Hall and are surrounded by other farm buildings (some converted to residential use or with permission for conversion) and by open countryside to the north. Due to their physical proximity and former functional relationship to the Hall, I agree with the parties that they may be considered as curtilage listed buildings in accordance with Section 5(2) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990* (the 'Act').
5. The north building was converted for residential use pursuant to a planning permission granted in 2000<sup>1</sup>, but the approved works to the south building were not implemented at that time. It has been used for ancillary domestic storage purposes by the appellant since he purchased the property.
6. Condition No 24 attached to the 2000 permission required the lean-to addition to the southern building to be demolished prior to the occupation of the dwelling. However, this condition was not complied with, and a lawful development certificate was issued on 16 July 2015<sup>2</sup> confirming that the building had been used in breach of the condition for ten years for storage and stabling and was therefore lawful for those specific purposes.

### *The Proposal*

7. The proposal comprises several elements. 1) A single-storey garden room to provide a link between the north and south buildings; 2) demolition of the existing lean-to extension to the rear of the south building and replacement with a new extension comprising a utility room, boiler room and bathroom; and 3) The internal rearrangement of the south building to provide a playroom, home office and garage. The appeal proposal has been revised in an attempt to address the Council's concerns following refusal of an earlier scheme<sup>3</sup>.
8. The Council has raised no objections to the internal rearrangement and minor external changes to the south building and I find no reason to disagree. In any event, its residential use is already permitted by the 2000 permission and could be implemented according to the previously approved details. At the hearing the Council also clarified that it had no objections to the 'link' garden room extension, which has been revised to show a more traditional pitched roof. Based on my own observations I find no reason to disagree. Therefore, the

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<sup>1</sup> Application Ref: 00/38790/FUL

<sup>2</sup> Ref: 15/21855/LDC

<sup>3</sup> Application Ref: 14/21277/HOU

main area of disagreement between the parties relates to the replacement of the lean-to building attached to the rear elevation of the south building.

*Effect on the special architectural and historic interest of the listed building*

9. Sections 16(2) and 66(1) of the Act require the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to 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. Policy N9 *Historic Environment* of the *Plan for Stafford Borough 2011-2031*, adopted June 2014 (LP), says proposals will be expected to sustain and where appropriate, enhance the significance of heritage assets and their setting by understanding the heritage interest, encouraging sustainable re-use and promoting high design quality. It adds that any potential loss of or harm to the significance of a heritage asset will take account of a number of factors including the scale, massing and form of the building.
10. Paragraph 132 of the *National Planning Policy Framework* (the Framework) sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
11. The significance of the buildings lies essentially in their simple form, scale, proportions, and traditional construction, which are characteristic of the local vernacular tradition. Although altered significantly as part of the conversion works (particularly the new north-west gable and roof arrangement of the north building), they still, on the whole, reflect their agricultural origins as part of a late eighteenth century farming estate.
12. The Council's preferred position appears to be that the lean-to building should simply be removed, and not be replaced and it does not dispute that the structural report accompanying the application recommends demolition. However, although the lean-to was conditioned to be demolished as part of the original conversion scheme, this was not enforced and the lean-to now has a lawful use for stabling and storage. It could therefore continue to be used for that purpose. In any event, the appeal proposal includes for a replacement building in the same site. Demolition alone is not before me.
13. There is no dispute that the lean-to was constructed using an assortment of materials and has little architectural merit. In my view it fails to make a positive contribution towards the significance of the building. On the other hand the proposed extension has been sensitively designed using matching traditional materials, and notwithstanding the additional height and bulk that would arise, I am satisfied that it would still be seen as a subservient addition that would respect the scale, form, proportions and architectural integrity of the building. Furthermore, the twin-gabled roof design reflects a similar design found on one of the nearby farm buildings and lessens the visual impact.
14. Apart from the massing of the building, the Council's decision notice refers to inappropriate materials and detailing, although has provided no detailed evidence to this effect. I find nothing objectionable in the materials and details that could not be dealt with by condition if necessary. Furthermore the

extension would be screened by a substantial existing wall on this side, and any impact on wider views would be limited.

15. Overall, I favour a pragmatic approach, and conclude on this issue that the proposal represents an acceptable design solution that would preserve the special architectural and historic interest of this curtilage listed building. As such, I find no conflict with LP Policy N9 or the provisions of the Framework.

*Effect on character and appearance of the building and surrounding area having regard to former agricultural use*

16. In addition to the listed building issue, the Council is strongly of the opinion that the 'in principle' objection to the extension of a rural building should be maintained after conversion to residential use has taken place. In this regard it refers to LP Policy E2 *Sustainable Rural Development*. The third part of the policy relates to the use of rural buildings. Amongst other matters it says the sustainable use or re-use of rural buildings will be permitted where, amongst other criteria, the building is structurally sound and capable of conversion without the need for extension, and is large enough to be converted without the need for new extensions or significant alterations.
17. The appellant has referred to a number of appeal decisions where various Inspectors have discussed the Council's interpretation of LP Policy E2. For example, in the appeal decision at the Old Barn, Fradswell<sup>4</sup> the Inspector agreed that the building was deemed to have been sufficiently large for its intended purpose at the outset. That said, the Inspector stated 'there is nothing within this policy that would prevent future extensions from taking place'. The Inspector also referred to LP Policy N1 *Design* where criteria (g) and (h) seek to secure high design standards that have regard to local context and which preserve and enhance the character of the area.
18. In the appeal decision at Standon House, Standon<sup>5</sup> the Inspector on that occasion concluded that the criteria for use of rural buildings referred to in Policy E2 were not of direct relevance to the proposed development. On the other hand, in the appeal decision concerning an extension at Grange Farm Barn, Church Eaton<sup>6</sup> the Inspector agreed with the Council's interpretation of Policy E2. Whilst I note these and other appeal decisions, the circumstances in each case vary, and each application and appeal must be considered on its own merits.
19. I am aware that part of the justification for permitting conversion of the appeal buildings to residential use was that the conversion could be achieved without extension. In addition to the condition requiring the lean-to to be demolished (see above), the proposal was subject to a condition withdrawing normal permitted development rights for extensions. The buildings were clearly considered to be sufficiently large from the outset and this is evident from the fact that the south building has yet to be converted.
20. Having carefully considered the arguments, it appears to me that there is nothing within LP Policy E2 that would prevent future extensions from taking place, and in this regard it will be seen that I have reached the same

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<sup>4</sup> Appeal Ref: APP/Y3425/D/15/3133285 The Old Barn, Lymers Lane, Fradswell, Stafford, ST18 0GX

<sup>5</sup> Appeal Ref: APP/Y3425/D/15/3006786 Standon House, Standon, Stafford, ST21 6RN

<sup>6</sup> Appeal Ref: APP/Y3425/D/15/3135244 Grange Farm Barn, Woolaston Lane, Church Eaton, Stafford, ST20 0AA

conclusion regarding the interpretation this policy as the Inspectors who considered the Fradswell and Standon appeals.

21. Rural extensions are dealt with under LP Policy C5 (c) which refers to extensions outside settlement boundaries. This says extensions should not result in additions of more than 70% to the dwelling as originally built. As referred to in the Fradswell appeal, LP Policy N1 is also relevant. In respect of criteria (g) and (h) I am satisfied that the design of the scheme before me has high standards which reflect the local context, including heritage assets, and would preserve and enhance the character of the area. In any event, the proposed extension to the south building should be considered in the context of the existing lean-to. The fact that the footprint of the proposed extension would be slightly less than the existing lean-to weighs in favour of the proposal, and is an important material consideration in this case.
22. Notwithstanding the additional height and bulk that would arise, I consider the proposed extensions (including the link building) would still be seen as subservient extensions that would respect the scale, form, proportions and architectural integrity of the building and its surroundings. Taking all these matters together I conclude on this issue that the proposal would not be harmful to the character and appearance of the building and surrounding area having regard to its former agricultural use. I find no conflict with the relevant criteria of LP Policies E2, C5 and N1.

#### *Conditions*

23. The Council has put forward a list of suggested conditions and I have considered these in the light of the advice in the Government's *Planning Practice Guidance*. Conditions are needed in both appeals to secure compliance with the submitted plans for the avoidance of doubt, and in the interests of proper planning.
24. Conditions requiring the demolition of the existing lean-to prior to development taking place, the making good of any exposed brickwork after demolition, and for painted metal rainwater goods are all necessary to safeguard the special architectural and historic interest of the listed building. For the same reason I shall impose an additional condition requiring the prior approval of external materials.

#### *Conclusion*

25. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that these appeals should be allowed.

*Nigel Harrison*

INSPECTOR

## **Appeal A: APP/Y3425/W/16/3149181**

### **Schedule of Conditions:**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plan 2288-14-01A; Existing Details 2288-14-02; Existing Elevations 2288-14-03; Proposed Elevations 2288-14-04B; Proposed Floor and Roof plan 2288-14-05B.
- 3) No development shall take place until the existing lean-to extension attached to the rear (south-west) elevation of the south building has been demolished and the materials removed from the site.
- 4) The rainwater goods shall be cast metal and permanently so retained. Gutters shall be fixed directly to the brickwork with brackets.
- 5) Notwithstanding any description/details of external materials in the application documents, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## **Appeal B: APP/Y3425/Y/16/3149212**

### **Schedule of Conditions:**

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plan 2288-14-01A; Existing Details 2288-14-02; Existing Elevations 2288-14-03; Proposed Elevations 2288-14-04B; Proposed Floor and Roof plan 2288-14-05B.
- 3) No works shall take place until the existing lean-to extension attached to the rear (south-west) elevation of the south building has been demolished and the materials removed from the site.
- 4) The rainwater goods shall be cast metal and permanently so retained. Gutters shall be fixed directly to the brickwork with brackets.
- 5) Upon completion of the works hereby approved, any damage caused to the building by the works, including the treatment of any exposed part of the rear wall caused by demolition of the existing lean-to extension on the south building, shall be made good within 12 months in accordance with a scheme submitted to, and approved by, the local planning authority.
- 6) Notwithstanding any description/details of external materials in the application documents, no works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                |                          |
|----------------|--------------------------|
| Ben Weatherley | Knights                  |
| Hugh Taylor    | Heritage Collective      |
| Warren Cook    | The appellant            |
| Duncan Wenham  | Knights                  |
| Jon Bennett    | KAD Architectural Design |

### **FOR THE LOCAL PLANNING AUTHORITY:**

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| Eiryl McCoch       | Stafford Borough Council |
| Teresa Brown       | Stafford Borough Council |
| Alan George Taylor | Stafford Borough Council |

### **INTERESTED PERSONS:**

Erica Dawson  
Duncan Dickson

### **DOCUMENTS**

- 1 Certificate of Lawful Use or Development
- 2 Appeal Decision: APP/Y3425/W/16/3151851 The Old Barn, Lymers Lane, Fradswell, ST18 0GX
- 3 Decision notice and approved plans: The Old Barn, Lymers Lane, Fradswell, ST18 0GX
- 4 Signed and dated Statement of Common Ground and appendices