
Appeal Decisions

Hearing held on 20 September 2016

Site visit made on 20 September 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12 October 2016

Appeal A: APP/X3025/W/16/3145144

Cherubs Childcare Centre, Welbeck Road, Mansfield Woodhouse, Mansfield, Notts NG19 9LA

- 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 Mrs Susan Mills against the decision of Mansfield District Council.
 - The application Ref 2015/0405/NT, dated 19 June 2015, was refused by notice dated 25 August 2015.
 - The development proposed is the erection of metal security boundary fencing.
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Appeal B: APP/X3025/Y/16/3145159

Cherubs Childcare Centre, Welbeck Road, Mansfield Woodhouse, Mansfield, Notts NG19 9LA

- 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 Mrs Susan Mills against the decision of Mansfield District Council.
 - The application Ref 2015/0404/NT, dated 19 June 2015, was refused by notice dated 25 August 2015.
 - The works proposed are described as 'to replace old wire fencing with new mesh security fence around the garden areas and install new fencing inside the walled boundary on the front playground of the premises. The security fence is green mesh. Advertising banners to show whether the nursery is having an Open Day and to show the name of the nursery with its Ofsted grading'
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Decisions

1. Appeal **A** is allowed and planning permission is granted for metal security boundary fencing at Cherubs Childcare Centre, Welbeck Road, Mansfield Woodhouse, Mansfield, Notts NG19 9LA in accordance with the terms of the application, Ref 2015/0405/NT, dated 19 June 2015.
2. Appeal **B** is dismissed insofar as it relates to the advertisements. The appeal is allowed, however, insofar as it relates to the remainder of the application, and listed building consent is granted for the boundary fencing at Cherubs Childcare Centre, Welbeck Road, Mansfield Woodhouse, Mansfield, Notts NG19 9LA in accordance with the terms of the application Ref 2015/0404/NT dated 19 June 2015.

Procedural Matters

3. At the Hearing it was clarified that appeal B referred to two advertisement signs for the business, located at the front and rear of the site.
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4. Both the fencing and signs are in place. The fencing has been in place since around the end of 2013, with the signs apparently having been in place for longer.
5. I have used the Council's description of Appeal B in my formal decision above, as this appeared more concise and relevant.

Main Issue

6. Based on all that I have seen and read, and the discussions at the Hearing, the main issue in both appeals is whether the fencing, and for Appeal B, the signs, preserve the special architectural and historical interest of the Grade II listed building and its setting, and preserve or enhance the character or appearance of the Mansfield Woodhouse Conservation Area.

Reasons

7. Cherubs Childcare Centre is located in the Grade II listed former St. Edmund's Church of England School and Teachers House, with the old school located to the front of the site facing Welbeck Road, and the former Teachers House located at the rear. The grand school building is constructed in dressed stone with slate roof and ashlar dressings. The building is designed in the Tudor Revival style, with numerous adornments and decorations on its primary elevation, including hood moulds to windows and doors. Three doors are located on the twin gabled front elevation. The teacher's house is constructed in red brick. A specifically listed boundary wall, constructed in dressed stone with gabled coping runs along the southern boundary of the property adjacent to the Welbeck Road footpath and a public footpath to the side. The site lies in the heart of the Mansfield Woodhouse Conservation Area.
8. The Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset, or development within its setting.
9. The significance of St Edmunds' School, as far as its exterior is concerned, derives essentially from its architectural quality and fine elaborate detailing, combined with its prominent setting fronting the main road and its clear functional qualities as a school.
10. Mansfield Woodhouse Conservation Area is a reasonably large one, and contains a variety of areas of differing ages of development. The buildings, streets and plots provide an urban character to the area which is largely in a linear development pattern. Various stone buildings, including the appeal site, contribute to the character of the area. In the vicinity of the former school the building and the space in front of it, set opposite open space in the form of a cemetery and open field contribute significantly to the character and appearance of the area.

11. The security fence is around 2m high¹ and consists of reasonably fine green mesh. The fence stretches from the west side of the site, where it is attached to some former bike sheds, along the front boundary and returns along the eastern side of the site. A separate section encloses a small area of garden adjacent to the teacher's house. The fence is sited in the ground around a metre inside the boundary wall. A security gate with intercom is located at the front of the site. The advertisements consist of two signs; one is located on the building's façade, directly above the easternmost door, with one on the rear of the teacher's house. The signs are constructed in a modern material and lie virtually flush to the wall.
12. An appeal² was recently dismissed to retain a banner sited on the security fence, with the Inspector considering that the banner obscured the special architectural features of the school and detracted from its historical significance. I understand that this banner was one of a number of signs that was affixed to the fence; at my site visit all such signs had been removed.
13. The materials that the fence and signs are constructed of are not traditional, and are not in keeping with the architectural style of the listed building and the character of the CA. Although views are possible through the fence, the height of the structure still obscures clear views of the listed building within the MWCA. Fixings to the historic structure are fairly limited with only small brackets where connected to the existing buildings meaning the damage to historic fabric is reasonably minimal.
14. Whilst I note the age of the sign on the front of the building, this sign is of awkward proportions. The scale of the sign does not relate to the doorway which it sits above or the windows to the side. Furthermore its positioning right on top of the door hood mould appears cramped and detracts from the significance of this asset.
15. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the scheme would result in harm being caused to the significance of this listed building and to the MWCA. Where a proposal would lead to substantial harm, consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. Saved policy BE3 of the Mansfield District Local Plan, 1998 (the Local Plan), states that listed building consent and planning permission will only be granted for alterations/additions to a listed building where this would not adversely affect its character, architectural merit or historical interest. Policy BE6 states that permission will be granted for developments within conservation areas provided that they respect the special character of the conservation area and be designed to respect and integrate with the surroundings, use good quality materials, not have a detrimental effect on the character and appearance of the

¹ As stated on the application form

² APP/X3025/Z/15/3136802, 16/03/16

area and not spoil or destroy attractive views within the conservation area. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

17. In this respect I am not convinced that these saved policies are consistent with the Framework. Whilst I note the Council's view that they treat the policies pragmatically, they do not fully accord with the Framework, in that there is no balancing within the policy concerning harm and public benefit. In this case therefore I give reduced weight to these policies.
18. At the Hearing the Council confirmed their view that the harm caused to the heritage assets by the fence and signs was substantial. However, the fence does not significantly affect the fabric of the listed building, and the height and visual intrusion of the fence is slightly reduced by its siting, at a lower level than the road level, its open nature and green colouring, and its placement inside the boundary wall. The fence is therefore clearly separate from the listed structure and is read as such; and is clearly reversible at some point in the future. The signs are relatively small in size and have a small impact on the historic fabric of the listed buildings. I am therefore satisfied in this case that the degree of harm caused is less than substantial.
19. In evidence, both in writing and at the Hearing, the appellant described the advantages that the fence provides for the security of the children at the Centre, as well as aiding their learning and life experiences. At the site visit I was able to see the substantial benefits the fence provides in terms of secure outdoor play for the children in the fresh air, directly interlinked to the Centre's classrooms. I also heard evidence regarding child safeguarding, and the many varied outdoor experiences the Centre is able to offer the children, many of whom are from disadvantaged backgrounds or have particular specific educational needs, including safe supervised, nature based, and creative play. Evidence over the benefits to autistic children of the outdoor area has also been submitted in writing by a parent. Such benefits have assisted in helping the Centre achieve outstanding Ofsted reports. I was also able to view inside the property and see the general good repair and maintenance that the use of the school building by the Centre enables.
20. In such a way I consider that the fence meets the core planning principle of the Framework that planning should support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Given that the Centre is effectively still a school, albeit one for younger children than was originally the case, I also consider that the fence helps to conserve the heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
21. I appreciate that the Council are supportive of the Centre, and at the Hearing constructively discussed alternative fencing or secure proposals which could be more appropriate to the setting of the listed building and to the character of the MWCA. However, I note that wrought iron railings were previously considered by the appellant and would have resulted in a cost which may not have been sustainable for the Centre; and that such railings, due to the age of the children at the school, would probably have to be bespoke, with narrower gaps than 'standard' railings, thereby significantly increasing the cost.

22. I have reflected carefully on this matter and have given considerable importance and weight to the less than substantial harm that I have identified to the heritage assets. However, due to the reasons above, I consider that the harm that the fence causes to the listed building and the MWCA is in this case outweighed by the substantial public and community benefits of the scheme.
23. In relation to the signs however, I am not convinced that the same benefits accrue. The signs exist to advertise and direct people to the Centre but the same benefits could be achieved with a more suitably sized and sensitively positioned sign on the front elevation. Whilst the size of the sign on the rear of the Teacher's House is less harmful, both signs are in a material unsympathetic to the host buildings.

Conditions

24. Given the retrospective nature of the applications, no conditions have been proposed by the Council in the event of an approval. At the Hearing a landscaping scheme was proposed by the appellant and discussed. Such a scheme would involve planting between the boundary wall and the fence. However, I am not convinced that such a scheme is necessary and desirable. A low level hedge could soften the edges of the fence, but given the size of the mesh and the colour of the fence this would not provide significant benefits. Any landscaping would also have the chance to become too high, screening the still open views of the listed building from within the WMCA.

Conclusion

25. I have concluded that whilst the fencing causes less than substantial harm to the special architectural and historical interest of the Grade II listed building and its setting, and to the character and appearance of the Mansfield Woodhouse Conservation Area, such harm is outweighed by the public benefits of the scheme. Such benefits also outweigh the conflict with the Local Plan policies. However, similar benefits do not exist with regards to the signage.
26. Those elements of the works that I have found to be unacceptable are severable from the remainder of the scheme. Therefore, for the reasons given above, I conclude that Appeal B should be dismissed insofar as it relates to the advertising signs and allowed insofar as it relates to the security fence. Appeal A should be allowed in its entirety.

Jon Hockley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Susan Mills

Appellant

Kay Philby

P.A to the Appellant

FOR THE LOCAL PLANNING AUTHORITY

Simon Dutfield

Mansfield District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Various photographs of the site dated 24 July 2015 and one photograph of the school frontage dated 2007.
2. Aerial photographs of the site dated 2013 & 2016.