

Appeal Decision

Site visit made on 5 September 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/Y3425/W/16/3153077

Lock House Restaurant, Trent Lane, Great Haywood, Stafford ST18 0ST

- 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 Mark Edwards against the decision of Stafford Borough Council.
 - The application Ref 16/23626/COU, dated 29 January 2016, was refused by notice dated 18 May 2016.
 - The development proposed is for the change of use from restaurant/tearoom to dwelling, including rear extension and garage.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Edwards against Stafford Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. The Council describes the application in its decision notice to include reference to extensions rather than a rear extension, which is more accurate. I have considered the appeal on the basis of the change of use from restaurant/tearoom to dwelling including extensions and garage.

Main Issues

4. The main issues are:
 - The effect of the proposal on designated heritage assets;
 - the effect of the proposal on a community facility; and
 - whether the proposal represent sustainable development, having regard to the development plan and the National Planning Policy Framework.

Reasons

Heritage assets

5. The appeal site comprises a series of three red brick and slate buildings around an open courtyard dating back to the late eighteenth century. These once formed the Lock Keeper's Cottage and small canal warehouses alongside what
-

remains a busy lock on the Trent and Mersey Canal and within the designated Great Haywood and Shugborough Conservation Area (CA). The buildings consist of a restaurant and car park on the roadside with a smaller tea room and outside garden seating area to the rear and alongside the canal. The first floor of the buildings provides residential accommodation for the proprietors. The complex lies between the canal on the one side and a railway embankment on the other. Beyond the railway is the village of Great Haywood. The proposed development would see the three buildings linked by extensions and infilling between to form a single dwellinghouse.

6. The appeal premises are located within the CA, which is characterised by a linear village with historic buildings focussed on Main Road, which also runs alongside the high boundary wall of the Shugborough Estate on its approaches into the village centre. There is a strong physical connection between the village and the Estate, with historic routes into Shugborough preserved, including importantly, Trent Lane, which crosses the canal the River Trent just beyond the appeal site. Shugborough Hall, a Grade I listed 17th century building and its collection of monuments and structures, many of which are listed Grade I and II* in their own right are set in very attractive parkland, with an abundance of mature trees.
7. The submitted Heritage Statement explains that Lock House is located within close proximity of two listed buildings, the Trent Lane Railway Bridge and the Trent Lane Canal Bridge, both Grade II Listed Buildings and situated within the CA. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72 (1) of the Act.

Listed Buildings

8. The ashlar stone Trent Lane Railway Bridge consists of a main segmental arch with robust square piers at each end with a small pedestrian arch on each side of the main span. A stone wall continues from one of the pedestrian arches to form the boundary to the appeal site before curving to form the entrance into the appeal site. The significance of the listed building is its robust, almost military vernacular that acts as a gateway from the village towards Shugborough. However, the set-back of Lock Cottage and the roadside vegetation would mean that the development, including the proposed garage would be well screened and have a neutral effect on the setting of the listed Trent Lane Railway Bridge.
9. In relation to the Trent Lane Canal Bridge, this comprises a single span with a segmental arch of similar ashlar stone as the Railway Bridge. Again the stone wall extends along the frontage to the appeal site before curving in the same manner as the wall that leads from the railway bridge to form the entrance into the car park to Lock House. From the bridge, the dominant views are of the canal, its lock and overspill with Lock House in the background beyond the car park. The significance of the listed building is its close association with other canal features in the immediate area as well as providing an important route to the Shugborough Estate.
10. Once again, the extensions and alterations to Lock House would not impinge upon the setting of the listed bridge in my view. However, looking over from

the bridge parapet towards the canal lock, the car park is a prominent open space. The proposed triple garage would occupy a position immediately adjacent to the Canal Bridge. It is noted that the revised proposal showed a shallower roof profile; the design and materials indicated a simple structure with red bricks and slate roof to match Lock House.

11. Moreover, local interest groups have raised concerns regarding the effect of the triple garage upon the setting of the listed buildings. In this respect I consider that the combination of the canal, the canal lock, together with the Lock House buildings and the prominent and elevated Canal Bridge remain entirely legible when viewed from both the canal towpath and Trent Lane. This combination of structures retains significant value in terms of the setting of the Canal Bridge, which is further enhanced by the open space between the Bridge and Lock House buildings in the background.
12. The proposed garage would be highly prominent from both the canal and Trent Lane despite the presence of an existing timber screen fence that marks the boundary between Lock House and the canal at this point. In such close proximity, the garage would represent a dominant and discordant feature in the context of the listed Trent Lane Canal Bridge. Its scale and position would be intrusive and harmful in what I regard as an important part of the listed building's immediate setting.
13. Accordingly, this element of the proposed development would fail to satisfy The Plan for Stafford Borough (TPSB) Policy N1 (h) and N9 (vii), which seek to sustain and where appropriate enhance the significance of heritage assets and their settings. Clear justification for the harm has not been made as required by this Policy. The setting's contribution to the listed building's significance would be harmfully reduced, though not to the extent that the latter's special interest would be completely or substantially lost. Rather, less than substantial harm would result.

Conservation Area

14. The proposed dormer windows comprise a continuous flat roofed extension containing four windows set within an area of vertical slate hanging that would take up some two thirds of the roof slope that faces the canal. This elevation is prominent from the canal towpath for a considerable length and at a position along the canal that widens out so that boats can wait their turn to pass through the lock. I consider that the scale and proportions of the dormer window design would overwhelm the roof slope and modest form of this traditional structure. In such views, this element of the proposal would change the form of the roof slope and building and would stand out as a discordant feature which would detract from the character and appearance of the CA.
15. The Council's Conservation Officer and interested canal bodies have also raised concerns about the proposed conservatory structure, which would they claim be fully visible from the canal within the CA. However this structure would be set much lower than the existing two storey buildings and would appear as a simple link structure between the outbuilding and the two storey wing adjoining the railway. I agree with the Council that because of its location and infilling between two larger buildings, it would not undermine the significance of this locally important set of buildings, whose historic form would remain apparent.

Consequently this aspect of the proposed development would preserve the character of the CA.

16. I therefore conclude overall that, in addition to the effects of the garage structure that would harm the setting of a listed building within the CA and would not therefore preserve the character and appearance of the CA as a whole, the proposed dormer structure would detract from the character and appearance of the existing property and would also harm and would not therefore preserve the character and appearance of the CA as a whole.
17. I have considered the suggestion made by the appellant that the design of the dormers could be modified through use of a planning condition in the event that this appeal is allowed. However as I have found the appeal unacceptable for other substantive reasons and it is unclear from the submitted drawings how vital the dormer structure would be to the design of the scheme overall, I do not consider that a condition would suffice. Both the garage and dormer would conflict with Policies N1 (h) and N9 (ii), (v), (vi) and (vii) of TPSB. These policies amongst other things seek to ensure a high quality of design which respects local distinctiveness and conserve heritage assets.
18. As with the harm that I have identified in terms of the effects of the proposed garage structure on the setting of the listed building, whilst the harm would cause great harm to the heritage asset comprising the CA, in the terms of the National Planning Policy Framework (the Framework), that harm would also be less than substantial. I will return to both aspects later in this decision.

Community facility

19. Spatial Principle (SP) 6 of TPSB says that priority will be given to supporting the rural sustainability of the Borough and sustaining the social and economic fabric by promoting amongst other things, a sustainable rural economy. TPSB Policy E2 states that developments within rural areas that provide for the sustainable use and re-use of rural buildings for appropriate uses will be permitted with priority given to economic uses before residential uses and where it has been demonstrated that every attempt has been made to secure a suitable commercial re-use. The corollary of this would aim to prevent the loss of economic uses unless they have been shown not to be viable and that all other options to continue an economic use have been explored.
20. This policy approach is broadly consistent with Paragraph 28 of the Framework, which states that planning policies should promote the retention and development of local services and community facilities. Paragraph 70 states that planning policies and decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Persuasive evidence exists that confirms that the existing restaurant/tearoom is a community facility of the type supported by both local and national policies. Moreover, it is an intrinsic part of the social and economic fabric of Great Haywood and occupies a prominent position on the canal and alongside one of the gateways into the nationally renowned Shugborough Estate. It has operated as a café for several decades.
21. The appellant took over the management of the business in 2013 after it had been marketed for sale for three years in an effort to restructure the business in order for it to become more profitable. The building is old and the appellant

believes that it is in need of modernisation if it is to successfully compete with nearby commercial operations. The accounts show that for the full two years' trading undertaken by the appellant, the business has been operating on a loss. Options for improvements that would have resulted in increasing the number of covers have been considered but discounted on the basis that the turnover and profitability would be unlikely to be attractive to potential investors.

22. The evidence reveals that the business was marketed during the period 2011 and 2013 at an asking price of £550,000. No material has been submitted about the type of marketing campaign undertaken or any evaluation of it. In addition, the basis for this valuation is not explained and I cannot be confident that this valuation was realistic and no information is provided as to whether a reduction in the asking price was contemplated. There is no evidence as to whether any offers were considered during this period or whether more recent marketing has taken place since 2013.
23. Consequently, I accept the Council's view that the evidence fails to demonstrate that options for revising the management or operation of the appeal business have been fully considered. I also accept the view of a third party organisation that the facility's relatively generous car park could be better managed to ensure that this is reserved for customers. This is important given that the village attracts significant numbers of visitors but does not have a public car park close-by.
24. Whilst the appellant may have failed to make the current enterprise commercially profitable during his tenure, there is no compelling evidence before me to demonstrate that either different management arrangements or an alternative economic use would not be successful. It seems to me that the loss of this longstanding restaurant/tearoom would be acutely felt both by the local community and by tourists alike. Lock House is well located and with its garden and car park has appropriate facilities. In accepting the appellant's desire that some modernisation might be necessary to enhance the profitability of this business, I see no reason to demur from the view that a viable business could not be created.
25. Government guidance in paragraph 28 of the Framework, along with Policies E2 and SP6 of the TSPB lend great weight to the retention of community facilities. The marketing undertaken and other material submitted has not been sufficient to demonstrate that the use, including a modified commercial use, would not be viable. Consequently, I find that the proposal would result in the loss of an important community facility and would not be in accordance with the policies above.

Sustainable development

26. Although the appellant refutes the Council's stance that the development would involve the creation of an additional housing unit, it is clear that the residential use of the building over both the restaurant and tea room areas is ancillary to the commercial use much in the same way as a public house with residential accommodation above. The proposals would see the property extended and converted to form a dwellinghouse with five bedrooms and 4 bathrooms with indoor swimming pool. This is quite different than what is at present a mixed, primarily business use, with the residential accommodation ancillary thereto. It would therefore lead in principle to the creation of a new open market dwelling.

27. TPSB SP1 says the Council will take a positive approach to development proposals that reflect the Framework's presumption in favour of sustainable development. SP2 sets out the housing provision requirements for the Borough and SP3 explains that the majority of future development will be delivered through the Sustainable Settlement Hierarchy based on Stafford, Stone and the Key Service Villages (KSVs). Great Haywood is identified as a KSV with the capacity to deliver the housing and other requirements for the development of sustainable communities within the Borough.
28. TPSB Part II is the second part of the Local Plan and is to be read in conjunction with Part I. The Council consulted on the Plan in June-July 2015 with a further consultation between November 2015 and January 2016. The modified Plan was submitted to the Secretary of State in April 2016 with examinations taking place in July and August 2016. Although this Plan has reached an advance stage in the process towards adoption I can only afford it moderate weight in my consideration of this appeal. A settlement boundary for the village has been identified in accordance with SP7, which is consistent with what has been shown in the emerging Colwich Neighbourhood Plan (CNP).
29. The settlement boundary shown on the Great Haywood inset map excludes the appeal site. Notwithstanding this, I recognise that the building is already in situ and is in residential use albeit as ancillary to the main commercial use of the building. These two factors mean that, together with the identification of Great Haywood as a sustainable settlement in SP3, the site would also be suitable as an open market dwelling in the terms set out in the Framework as Lock House occupies a relatively accessible location adjoining the village and close to shops and services that it offers. Government attaches great weight to the delivery of housing in general terms.
30. Consequently, full weight cannot yet be assigned to the settlement boundary; however in my view the proposed development would be suitably located and would therefore meet the broad accessibility requirements set out in the Framework. By the same token, these factors would also obviate the need for a Parish-based local housing needs assessment and appraisal to be undertaken in accordance with TPSB Policy C5(2).

Overall balance and conclusions

31. As paragraph 132 of the Framework makes clear, 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. Given that harm identified both in respect of the failure to preserve the character and appearance of the CA and the setting of the Trent Lane Canal Bridge would be 'less than substantial' in the terms of the Framework, it is necessary – in line with paragraph 134 of the Framework – that it should be weighed against the public benefits of the proposal.
32. From what I have gleaned from the evidence, the appellant has identified one substantive public benefit that would flow from the development. The appellant argues that the proposals to extend and upgrade the appeal property would help safeguard this building which is of local historical importance within the CA. Although that attracts some weight, it is insufficient justification for the harm that would be caused to both the character and appearance of the CA and hence its significance and to the setting of the Canal Bridge and hence its significance also.

33. Taking the Framework as a whole as the government's expression of sustainable development, but focussing on the three dimensions referred to in paragraph 7, I do not question that the proposal (like any for new housing development) can be said to meet a number of social and to a lesser extent economic purposes. However, in this case I find that the environmental role is not met and in such a way that the harm outweighs any benefits in the other two dimensions. Despite its accessible location, given what I have found in relation to heritage assets and the loss of an important community facility, which would also undermine the economic role, I do not therefore regard the proposed development as sustainable development.
34. In conclusion therefore, with that finding in mind, as well as the proposal's failure to comply with key development plan policies, the absence of significant public benefit and the less than substantial harms to the CA and listed building, the totality of harms significantly and demonstrably outweighs any identified benefits when assessed against the policies of the development plan and the Framework taken as a whole.
35. For the above reasons, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR