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## Appeal Decision

Site visit made on 14 October 2016

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 31 October 2016**

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**Appeal Ref: APP/P2935/F/16/3149947**

**Bolton Mill, Alnwick NE66 2EH**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr C H A Burrell against a listed building enforcement notice issued by Northumberland County Council.
  - The enforcement notice was issued on 11 April 2016.
  - The contravention of listed building control alleged in the notice is the: Partial demolition of the Mill Building.
  - The requirements of the notice are as follows:
    1. The part demolished walls need to be washed out with mortar.
    2. The part demolished walls need to be capped by a bed of mortar over to a fall to shed off water and prevent water entering the wall core.
    3. The section of wall from the 1<sup>st</sup> floor to eaves level requires to be repaired using salvaged stone. See sketch 15/173/01 dated January 2016 prepared by McKay and Partners attached herewith.
    4. The part 1<sup>st</sup> floor remaining off the gable end should be taken down. See sketch 15/173/01 dated January 2016 prepared by McKay and Partners.
  - The period for compliance with the requirements is 90 days.
  - The appeal is made grounds (a), (c), (e) and (h) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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### Decision

1. The appeal succeeds in part and fails in part . The Listed Building Enforcement Notice (LBEN) is upheld as corrected and varied (see formal decision below).

### Matters of clarification and background information

2. An application for a full award of costs has been made on behalf of Mr C H A Burrell against Northumberland County Council. This is the subject of a separate decision.

3. Bolton Mill (now almost completely demolished), together with the adjoining Cartshed/Granary building, dates back to the late 19<sup>th</sup> Century. The buildings are part of a grouping of original farm buildings to which the Grade II listed Bolton Mill House was originally the main farmhouse. The house was listed on 25 August 1987 and is still recognisable from its list description. At that time it was no longer the farmhouse to the surrounding agricultural land and was let as a separate dwelling. The Mill and the Cartshed/Granary were not referred to in the listing and were in agricultural use at that time. These are located to the south west of the listed house, lying outside of the immediate walled garden to the house but adjacent to the hard standing area (or former farmyard) to the west of the house. The Mill building is said to have been gutted of its machinery in 1960.

4. The allegation in the LBEN refers to '*Partial demolition of the Mill Building*'. However, the partial demolition works also affected the gable and part roof to the

Cartshed/Granary building where it abutted the Mill Building. I noted the physical effect on both buildings during my visit; the first more or less completely demolished and the second partially demolished at its southern gable end. I consider, therefore, that the allegation should be corrected so that it also refers to the Cartshed/Granary building. I am satisfied that this correction will not cause any injustice to the Council or the Appellant who have both referred extensively to both buildings in their representations. The allegation will be corrected to '*Part demolition of the Mill Building, and the Cartshed/Granary building*'.

5. The site lies within open countryside to the west of Alnwick and the house and buildings are approached via a single track road from the north. The surrounding u-shaped area of agricultural land is bounded by the River Aln to the west, south and east and there is a footbridge across the river to the south. During my site visit I was able to view all of the buildings from both near and distant viewpoints, including from the footbridge and from further afield on the road to the east of Broome Park. I also saw the site of the nearby farmhouse/mill at Abberwick to the north east and have had sight of its listing. I refer again to Abberwick below.

6. The works now subject to the LBEN were carried out in April/May 2014 and it is confirmed that the intention was to demolish both the Mill and the Cartshed/Granary. Works were suspended following communications with the Council who had advised that, in their view, the buildings were listed since they were within the curtilage of the listed house. On behalf of the appellant this was refuted by letter dated 26 November 2014. Following notification to the Council that it was intended to also demolish the Cartshed/Granary, a meeting was held on 21 January 2015.

7. The Council reiterated their view that the Bolton Mill was listed. On behalf of the appellant the Council was asked to set out its reasoning for taking this view. It did so by letter dated 26 January 2015 referring to section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) and indicating that both the Mill and the Cartshed/Granary were considered to be curtilage listed buildings. There were no further communications and the LBEN was issued on 15 April 2016. Following Counsel's advice (dated 7 May 2015) the appeal was made under the grounds set out above and I now turn to the first of the grounds.

### **The appeal on ground (c)**

8. This is made on the basis that a contravention of the PLBCAA has not occurred because the Mill and Cartshed/Granary buildings do not lie within the curtilage of the listed house and are not, therefore, listed in accordance with section 1(5)(b) of the Act.

9. The courts have held that the curtilage of a building is 'quintessentially a matter of fact' (*James v SoS* [1991] 1PLR 58) and that a decision should be made 'on the facts' (*Lambeth LBC v SoS Environment and the London Residuary Body*). The courts have also held that the curtilage of a listed building should be taken to be that which existed at the time of listing, regardless of subsequent development (*Watts v SoS Environment* [1991] JPL 718 and *R v Camden LBC ex p Bellamy* [1992] JPL 225). This is based on the principle that if a pre July 1948 building was within the curtilage of a listed building at the time of listing, the tests of section 1(5) of the PLBCAA would be met.

10. I have considered this case on the basis of all of the factual evidence submitted; on my inspection of the site/buildings/surroundings and with regard to the curtilage of the listed building at the time of listing. In doing so I have applied the three tests in the case of *Sutcliffe and Others v Calderdale Borough Council* [1983] 46 P&CR 399) as set out below and have had regard to all other case law referred to by the parties.

*The physical layout of the listed building and Mill and Cartshed/Granary*

11. Having seen the relationship of the listed house to the Mill and Cartshed/Granary building(s) it is evident that they were previously all part of a farm grouping around the former farmyard, now referred to as the hard standing area. Because of the Cartshed/Granary; the other stone buildings and the steel framed building to the west, this area, in my view, still has the appearance of, and is perceived as, a farmyard. There is no reason to believe that this was not the case at the time of listing, despite the fact that the house and the farm buildings were not in use as a combined farmhouse and its outbuildings.

12. Considering its physical relationship to the surrounding structures, Bolton Mill House faces south towards the river. Between its garden wall (I will refer to this as the '*inner wall*') and the agricultural field to the south (I refer to this as '*the southern field*') there is a slightly raised area and what appears to be the floor slab remains of another small building (said to have been a cottage). Immediately to the south of this area there is another wall (I will refer to this as the '*outer wall*') which forms a retaining boundary between the area and the '*southern field*'. The resulting change in level also wraps back towards the east elevation of the main house. Within the '*southern field*' and slightly to the east of centre of the main house there is another old farm building which I understand was formerly used as a pig sty. This stone building appears to be roughly contemporaneous with the Cartshed/Granary building.

13. The '*outer wall*' acts partly as a retaining wall and the level of the '*southern field*' is lower than the cottage floor slab area. Between the west gable of the pig sty and the remaining walls of the Mill building there is a gateway into the '*southern field*'. The '*outer wall*' then extends slightly further west before kinking to the south west where a second opening into the '*southern field*' is positioned. At the western end of this opening a wall (formerly a Mill wall) extends to meet the remaining wall abutting the built-up third stone archway to the Cartshed/Granary building.

14. The two walls, therefore, provide an inner enclosed area (protecting the garden from the former farmyard) and define a larger outer area which encompasses the raised area; the hard standing area and the remaining buildings to the west of the house and particularly the Cartshed/Granary building. This outer area also provides a route from the access road, across the hard standing area between the house and the farm buildings and into the '*southern field*'.

15. From the cartographic evidence it is clear that the site has evolved from the 19<sup>th</sup> Century. On the approach from the north the house is noted first but, as one draws nearer to the complex and on entering the yard area, the clear physical relationship of the buildings to this former corn-milling complex is revealed. In my view the house and farm buildings are still perceived as a cohesive group within an agricultural setting. Their physical positions relative to each other; their form and scale and their method of construction leave no doubt about their former use and the '*inner wall*' does not, in my view, detract from or substantially separate the natural grouping. Rather, it is seen as part of the grouping, with the '*outer wall*' and the '*southern field*' beyond.

16. Having seen the site from the south, the remaining buildings at Bolton Mill appear as a cohesive group and the overall result is one of an attractive and historic agricultural setting for the listed building. From both near and distant viewpoints it is clear to me that there is a strong visual relationship between the former Mill, the Cartshed/Granary and even the pig sty. The latter, however, is within the '*southern field*' and it is not as obviously and physically related to the grouping as are the Cartshed/Granary and the other stone buildings to the west of the house. The Mill also

lies outside of the line of the '*outer wall*' and to all intents and purposes lies within the '*southern field*'.

17. The remaining walls of the former Mill part of the building are more closely related to the '*southern field*' (being south of the '*outer wall*') than to the inner farmyard or hard standing area. Although the demolished part of the Mill was attached to the Cartshed/Granary, its physical relationship to the listed house has changed over the years. Clearly when the enterprise was one entity, many years before listing, the physical nature of the grouping would have seen them being perceived as all being within the same farmyard curtilage.

18. However, changes since then have seen the Mill's equipment stripped out (1960s); the Mill Race filled in and alterations to enable the structure to be used for farming purposes other than use as a Mill. Thus, just like the pig sty building the Mill became an agricultural building within the '*southern field*', placing both of them, in my view, outside of the '*outer wall*' and outside of the curtilage of Bolton Mill House. I agree with the contention put forward on behalf of the appellant that the Mill part of the building has indeed 'turned its back' on the listed house. It did so many years ago, it did so at the time of listing and its remaining walls do so today.

19. The Cartshed/Granary on the other hand is, in my view, definitely closely related physically to the listed building. When standing in front of the '*inner wall*' the full extent of the east elevation of the Cartshed/Granary building can be seen and appreciated. I do not consider, as suggested on behalf of the appellant, that this building 'turns its back on the house'. On the contrary, having seen the relationship I consider the opposite to be the case. Due to the relative angles and positions of the two buildings, I would describe the buildings as obliquely facing and physically complementing each other.

20. In my view there is a clear, obvious, past and present close physical relationship between the Cartshed/Granary building (a '*structure*' in terms of s 5(1)(b) of the PLBCAA) and the listed house. I accept that the Mill part of the structure was linked directly to the Cartshed/Granary but as indicated above the physical relationship of the former has changed over time, whilst that of the latter has remained the same. I consider that historically, at the time of listing and today there is a strong physical relationship between the Cartshed/Granary and the listed house.

21. Despite the '*inner wall*' around the garden of the house, when seen together the two buildings (the Cartshed/Granary and Bolton Mill House) are still perceived as being part of the historic and architecturally interesting grouping which provided a typical farm and corn mill complex in this part of Northumberland. Irrespective of the tenure of the respective buildings this close physical relationship would have been distinctly noticeable at the time of listing and I consider that this is still the case today.

22. When Bolton Mill House was listed in August 1987 it is indicated that the appellant owned the house and that it was let to a tenant not engaged in agriculture and who worked elsewhere. At that time it is indicated the appellant's father owned the Mill and Cartshed/Granary building and that these were let to an agricultural tenant who farmed the adjoining land. The ownership of all of the buildings has been within the same family for many years and the appellant is now clearly the owner of them all. Even if prior to listing the Cartshed/Granary had been in another or separate ownership, this would not have altered my conclusions on the past and present physical relationships of this '*structure*' to the listed house.

23. Thus, irrespective of the Council's reference to a lack of documentary evidence in relation to ownership, as far as the layout of the listed building and Cartshed/Granary are concerned the critical factor is that the physical layout and coherence of the original

grouping has not been lost. The '*inner wall*' might well still provide a distinct boundary around the garden of the listed building but the '*outer wall*', in my view, more significantly defines the past and present physical relationships between the house, the other buildings and in particular the Cartshed/Granary building. It thus defines the curtilage of the listed building.

24. In the case of *Skerrits of Nottingham Ltd v SoSETR [2000] 2 PLR 102*, the Court of Appeal held that it was not an essential feature of a curtilage that it be small. Taking into account their past physical relationships; the relationship at the time of listing in 1987 and their relationship today, it is my view that, as a matter of fact and degree, the curtilage of the listed Bolton Mill House extends beyond the '*inner wall*'; as far as the '*outer wall*' and although the curtilage does not include the remains of the Mill, it most certainly includes the Cartshed/Granary structure and the former farmyard area.

*Their ownership past and present*

25. As indicated above, in August 1987, the listed house and the Mill and Cartshed/Granary buildings were in separate ownership albeit within the same family. They are now all in the ownership of the appellant and have been since the death of his father. There is no dispute that some time prior to listing the house was a farmhouse and that the other buildings around the farm yard were used in relation to the farming of the surrounding land.

26. At the time of listing, although the house was no longer the '*farmhouse*' and was let to a tenant, it was still owned by the appellant. The listed building was still a '*house*' and the Cartshed/Granary building was still in agricultural use and owned by the appellant's father. The situation was that the house and the farm buildings had different tenants. The ownership of the different buildings changed within the family but there was no other separating off of the ownership of the land or any of the original group of farm buildings.

27. At the time of listing the house belonged to the appellant. Today all of the land and buildings belong to the appellant. Other than the changes in tenure, nothing other than family ownership of the buildings has changed between the date of listing and the date that the LBEN was issued. The situation might well have been different if the house had been sold so as to be in completely separate ownership and the land had been completely severed from the other buildings and the farmland. There is no evidence that this was the case. Furthermore, if its immediate surrounding domestic and/or agricultural land was now in a completely different ownership, then the arguments relating to this aspect of the tests under '*Sutcliffe*' would have carried more weight.

28. On the facts of the case relating to the ownership, past and present (of the listed building and the relevant curtilage structures) it is my view that the matters put forward on behalf of the appellant are not sufficient to overturn my conclusions relating to whether or not the Cartshed/Granary building is a curtilage buildings under section 1(5) of the PLBCAA.

*Their use/function past and present*

29. The original uses of the buildings (house and Cartshed/Granary) were as a farmhouse and associated agricultural buildings. I acknowledge that the house itself has been used as a separate residential dwelling, not associated with any agricultural use, since before it was listed. It is also clear that Cartshed/Granary building was let to a farming partnership with associated land and its primary use has been agricultural. It would appear from my inspection that there is now little if any agricultural use of the Cartshed/Granary and what minimal use there is for minor storage of bicycles and other domestic items.

30. Again, in the past, and prior to listing there is no dispute that the uses and functions of house and '*curtilage structure(s)*' were purely for agricultural purposes. At the time of listing these uses or functions were somewhat blurred due to the various tenures of the respective buildings. Nevertheless, the listed house remained as a dwelling and the Cartshed/Granary was associated with agricultural use related to the immediate surrounding farmland. This appears to be the case today, although it is evident that the agricultural buildings have been left to deteriorate and have not recently been in obvious agricultural use.

31. However, having seen the agricultural buildings which now form part of the former farm yard grouping it seems to me that, despite their age and unsuitability to house larger items of agricultural machinery, with some repair and maintenance they would still be capable of providing some lower scale use for agricultural and/or domestic residential purposes.

32. Having applied the above tests and having considered all of the submissions it is my view that, as a matter of fact and degree, although the remains of the Mill lie outside of the curtilage of the listed Bolton Mill House, the Cartshed/Granary building does lie within its curtilage. I have taken into account the fact that the list description does not specifically refer to the Cartshed/Granary building and that the Commission (now Historic England) adopted the practice of considering '*individually all the structures and buildings on a site which can be constructed as separate buildings and to list those, and only those, which qualify*' in 1986 and before listing.

33. Turning to Abberwick Mill House; Abberwick Mill and the adjacent Stable, I noted the overall grouping of these buildings during my site visit. I accept that these buildings were all separately listed unlike the ones at Bolton Mill and that they were listed on the same date as Bolton Mill House. Taking into account the relative traditional qualities and similarities of the farm buildings at both Mills, I find it perplexing that in one place they were individually listed, whilst only the house was listed at Bolton Mill House. It may well have been because at that date the Mill had not been used for many years and had been stripped of its machinery. Nevertheless the situation is that neither the Mill nor the Cartshed/Granary was separately listed. But, even as inferred on behalf of the appellant that it had been the same listing officer, it does not alter my conclusions set out above.

34. In my view, the Cartshed/Granary, is equally as worthy of listing (as a curtilage structure) as are the separately listed ones at Abberwick Mill. The stone detailing; contemporaneous traditional design and the architectural and historic interest of both groups of Mill buildings are fine examples of Northumbrian corn mill agricultural complexes. Considering the buildings at Bolton Mill on their merits, the different listing situation at Abberwick Mill does not alter my conclusions on the appeal under ground (c). The fact that the Bolton Mill House curtilage building(s) were not listed separately cannot, in my view, conclusively indicate that they were not curtilage listed at the time of listing.

35. In reaching my conclusions I have taken into account the points raised by Counsel on behalf of the appellant, as set out in the advice dated 7 May 2015. These include the full background; the legal framework and references to the PLBCAA and case law; the preliminary considerations; the section on the definition of '*curtilage*'; the three matters combined relating to the *Sutcliffe* case (physical layout, ownership and use/function); the Commissions (HE) practice since October 1986 and references to Hansard and the points made in relation to the *Egerton* case. However, for the reasons set out above, I disagree with Counsel's conclusions that both the Mill and Cartshed Granary buildings fall outside of the curtilage of the Grade II listed Bolton Mill House.

Only the Mill building lies outside of the curtilage. For the reasons set out above I consider that the Cartshed/Granary building is a listed building by virtue of section 1(5)(b) of the PLBCAA.

36. The appeal, therefore, succeeds in part (that part relating to the Mill remains) and fails in part (that part relating to the Cartshed/Granary) therefore, on ground (c). But, in the absence of any consent to carry out the works to the Cartshed/Granary building, there has been a contravention of the PLBCAA and ground (c) fails in this respect.

### **The appeal on ground (a)**

37. An appeal on this ground in essence challenges the listing and is made on the basis that the listed building is not of special architectural or historic interest. Clearly in this case the listing of the main house is not in question and the dispute relates now to whether or not the Cartshed/Granary building (which I have concluded is a curtilage building) is of special architectural or historic interest.

38. Despite not being referred to in the list description of Bolton Mill House, having seen the remains the Cartshed Granary building, I consider that it is of special architectural and historic interest. Architecturally it is still of importance in retaining its close physical relationship with the house. The building has been physically altered due to the partial demolition and the damage to its gable and roof. However, architecturally it is still of special interest in my view. The Cartshed/Granary, with its traditional Northumbrian stone arches; the dressed buff sandstone walls; its roof construction and slate covering are all typical and original architectural details/materials for a farm building as old as this one at Bolton Mill. I acknowledge that there are structural defects to the building but this does not alter the fact that architecturally it retains its special interest.

39. These architectural features are special partly because, over time, other examples of the building type have been lost through demolition or alteration. The remaining buildings at Bolton Mill are typical of other similar farm buildings in the county. As indicated by the Council, historic farm and industrial buildings play an integral part in the agricultural landscape of England and are an important cultural resource. Granary buildings of this type are characteristic of riverside sites within this part of Northumberland. Historically, therefore, I consider that the building is also still of special historic interest. It provides a historic link back to earlier traditions of growing and storing grain within a single agricultural holding. Bolton Mill gives its name not just to the place where it is located, but also to the listed house. In my view this reinforces the architectural and historical links of that part of the Mill (Cartshed and Granary) which is still standing as a curtilage listed building.

40. I consider that the site remains historically important and the cartographic evidence reinforces my view. The Council's reference to the HE document '*Introductions to Heritage Assets: Mills*' is also pertinent and emphasises the importance of such buildings in understanding the history of the nation. This site is clearly important historically and despite the partial demolition of the mill the remaining Cartshed/Granary building adds most positively to the setting of the main house. Its loss would in my view erode the special architectural and historic interest of the setting of Bolton Mill House.

41. I can understand to some degree the contention that because the buildings were not listed in their own right in 1987 they must not have been considered to be of architectural or historic interest. I also appreciate the point made that the changes to listing selection in 1986 were designed to '*leave little room for doubt whether a building is listed or not*'. However, having seen the Cartshed/Granary and considered the guidance on listing; the NPPF policies on conserving and enhancing the historic

environment; the HE and Planning Practice (PPG) guidance on historic assets, for the reasons set out above it is my view that the Cartshed/ Granary building is a listed buildings by virtue of section 1(5) of the PLBCAA and that it remains to be of special architectural and historic interest. The appeal also fails, therefore on ground (a) in relation to this curtilage listed structure.

### **The appeal on ground (e)**

#### *Introduction*

42. This ground of appeal is normally made on the basis that LBC ought to be granted for what is alleged in the notice to be the unauthorised works. In this case, following the correction referred to above, that is the '*Part demolition of the Mill Building, and the Cartshed/Granary building*'. The works carried out without consent all require LBC. The former because it was connected to the Cartshed/Granary and the latter because it is a curtilage listed building in its own right.

43. The appellant's ground (e) appeal is set out in sections 3.12, 3.13 and 3.14 of the Grounds of Appeal statement. In 3.12 I am asked to grant LBC for all or part of the works to which the notice relates. In 3.13.1 and 3.13.2 I am asked in the alternative to consider the imposition of conditions firstly: requiring the demolition of the remainder of the Mill and the restoration of the site and, secondly: the demolition of the Granary and the restoration of the site. Paragraph 3.14 confirms that the original intention was to demolish both the Mill and the Cartshed/Granary but that, although this intention remains, it has not progressed beyond the initial stages. The LBEN does not require a full rebuilding of the demolished part of the Mill. Instead it requires stabilisation of what remains of the Mill and the Cartshed/Granary.

44. I am only empowered to deal formally (in relation to granting LBC) with the LBEN on the basis of what is alleged, as now corrected. However, on the basis of the above I consider that it is both logical and reasonable to have considered the appellant's points relating to demolition and restoration of the site(s). Taking into account both the appellant's and Councils' statements I do not consider that this will cause any injustice.

#### *Relevant Policy and Guidance*

45. I have had regard to the relevant policies and guidance. Policy S15 of the Alnwick Core Strategy (ACS) recognises the importance of historic buildings and assets. It states that all development involving such assets, or their settings, will be required to preserve and where appropriate enhance the asset for the future. The policy is up to date and accords with the National Planning Policy Framework (NPPF) relating to conserving and enhancing the historic environment (section 12). I have also had regard to the conservation guidance in Planning Practice Guidance (PPG) and have had special regard to the requirements of section 16(2) of the PLBCAA.

#### *The main issues*

46. The main issues are the effects of the works as carried out (as in the corrected allegation), having regard to the proposed demolition of the buildings and restoring of the sites: -

- firstly on the integrity and character of the Mill building;
- Secondly on the integrity and character of the Cartshed/Granary curtilage listed building; on its setting and its features of architectural and historic interest and,
- thirdly, the effect on the setting of Bolton Mill House.

#### *Effects of the works carried out on the Mill building*

47. Clearly the partial demolition of the Mill building has resulted in its character being significantly affected. However, taking into account the history of the Mill; its loss of

authentic elements (including internal equipment and the Mill Race) and its latest use simply as an agricultural building, I consider that even before partial demolition it would have already lost the basis of its character as a mill. The fact that I have found this building to be outside the curtilage of the listed farmhouse reinforces my view that listed building consent should be granted for the works carried out; that is the partial demolition of Mill building.

*Effect of demolition of the Mill building and restoration of its site*

48. Again for the same reasons I consider that the removal of the remaining Mill building structure and the restoration of its site would be acceptable. The LBC below will only refer to the works as carried out and it will be necessary for a further application to be made to show the full demolition, removal of materials and restoration of the site. I consider that the complete removal of the remains of the Mill building would tidy up that part of the overall site.

49. Bearing in mind that the Council has under-enforced and is not requiring the demolished parts of the Mill to be rebuilt, there would be advantages in doing this rather than simply leaving the walls in place. I acknowledge that the outline of the walls would be lost forever, but in the light of the history of this part of the site, I consider that their loss would now improve, rather than detract from the appearance of the remaining listed buildings (the Cartshed /Granary and the house) and their settings.

*Effect of the works as carried out on the Cartshed/Granary*

50. The works to the Cartshed/Granary (gable, wall and roof), in my view are most harmful to the integrity and character of the building. Despite its poor condition no justification was put forward for the partial demolition works which have affected the Cartshed/Granary. In my view, these works have neither preserved nor enhanced the character of the listed structure. The integrity of the building has been detrimentally affected and so too have some of its features of architectural and historic importance.

51. I acknowledge that the operations were suspended once the Council became aware of the unauthorised works. However, it is evident that the Council would not have granted LBC for what was carried out. The works have also had a detrimental impact on the setting of the building. In demolishing the Mill part, the original setting has been lost forever and the exposing of the parts of the Cartshed/Granary building has affected its relationship within the remaining group of buildings. The exposing of its southern flank and the other works have detracted significantly from its setting. The works have also resulted in harm being caused to some of its special features of architectural and historic interest of the building (namely walls, roof and the relationship of rest of the building to the arched openings). I do not consider, therefore, that LBC should be granted for the works carried out to the Cartshed/Granary.

*Effect of the demolition of the Cartshed Granary and the restoration of its site*

52. It follows, in my view, that there is no justification for the demolition of the Cartshed/Granary. It is a curtilage listed building and I have concluded above that it is worthy of its listed status. Its loss would detrimentally affect the character of the site as well as the setting of Bolton Mill House. In my view its total loss would lead to substantial harm being caused to the significance of this heritage asset and it has not been demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits which would outweigh that harm or loss.

53. I consider that it is this building (together with the main house) that is now most significant in indicating the past history of the site and retaining what is left of the historic character and appearance of the original farm grouping. The typical Cartshed arched openings; the Granary windows and the external stone staircase are all worthy

of retention and typical of a former part of the mill. In my view its retention is appropriate and necessary to protect its features of special architectural and historic interest in its own right; to protect its setting and to protect the setting of Bolton Mill House. In the first instance, therefore, the requirements of the LBEN relating to the stabilising of this building need to be carried out. The more detailed repairs and/or alterations would need to be the subject of a new application for LBC

*Effect of the works as carried out on the setting of Bolton Mill House*

54. The Cartshed/Granary building is an original feature within the farmyard grouping. I have concluded above that the building is still within the curtilage of the listed house. When seen from both near and distant viewpoints this grouping is still obvious today despite the partial demolition of the Mill. In my view even the initial works to this building have detrimentally affected the historic setting and appearance of the grouping and, therefore, have been harmful the setting of the listed Bolton Mill House.

*Conclusions on ground (e)*

55. I consider that the works as carried out to the Cartshed/Granary are contrary to policy S15 of the ACS as well as to policies set out in section 12 of the NPPF. The works fail to conserve or enhance a strong sense of place and have not conserved the built and historic environment in this part of the county. The works have detrimentally affected the listed setting of Bolton Mill House and the character, integrity, architectural and historic features and the setting of the curtilage building, the Cartshed/Granary.

56. With regard to paragraphs 133 of the NPPF, I consider that the total demolition of the Cartshed/Granary would result in substantial harm being caused to the significance of the heritage asset. As indicated above there are no public benefits that outweigh the harm and nor do all of the criteria set out in the bullet points to paragraph 133 apply.

57. I do not consider therefore that LBC should be granted for the works carried out to the Cartshed/Granary or its demolition and restoration of the site (which in any case would require a separate application). The appeal fails on ground (e) in relation to this part of the unauthorised works carried out. With regard to the works to the remains of the Mill, on the basis of my findings above, LBC will be granted for the works carried out and thus the appeal on ground (e) succeeds in this respect.

**The appeal on ground (h)**

58. Taking into account my findings above, I agree with the case put forward on behalf of the appellant that the compliance date of just 90 days falls short of what would be required. Matters relating to a likely building programme for repairs and rebuilding of the Cartshed/Granary; inclement weather; protected species and compliance with the corrected and varied LBEN all suggest to me that a period of 9 months is appropriate and necessary. This would give sufficient time for compliance with the remaining parts of the LBEN (which is aimed at stabilising the Cartshed/Granary building) and/or for further negotiations/LBC applications relating to the further works, alterations or repairs to it. The appeal on ground (h) therefore succeeds and I shall vary the notice under the powers transferred to me.

**Other Matters**

59. In reaching my conclusions I have taken into account all other matters raised by the Council; those raised on behalf of the Appellant and those made by other interested parties. These include the full statements; Counsel's Opinion and the Final comments dated 2 August 2016. However, for the reasons set out above, none of these matters alters my conclusions on the grounds of appeal and nor is any other matter of such significance so as to change my decision.

### **Formal Decision**

60. I direct that the LBEN be corrected by adding the words, '*and the Cartshed/Granary building*', after the words '*Mill Building*' in the SECOND SCHEDULE part 1. The whole of the allegation now reads '*Part demolition of the Mill Building, and the Cartshed/Granary building*'.

61. The appeal succeeds in part on ground (c) in relation to the Mill part of the building only. The appeal also succeeds in part on ground (e) in relation to the Mill Building part of the building only and listed building consent is granted for part demolition of the Mill building at Bolton Mill, Alnwick NE66 2EH.

62. I direct that the LBEN be varied by deleting requirements numbered '1.' and '2.' in the Third Schedule of the Notice.

63. I direct that the LBEN be varied by deleting the figures and words '*90 days*', after the words '*to be taken within*', in part 3 of the RECITALS and that the figure and words '*9 Months*' be substituted therefor.

64. The appeal also succeeds to the limited degree on ground (h) only.

65. Otherwise the appeal is dismissed. The appeal fails on grounds (c), (a) and (e) in relation to the Cartshed/Granary building and the Listed Building Enforcement Notice is upheld as corrected and varied. Listed Building Consent is refused for the works carried out to the Cartshed/Granary building in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act at Bolton Mill, Alnwick NE66 2EH.

*Anthony J Wharton*

Inspector