
Appeal Decision

Site visit made on 15 November 2016

by Nicholas Taylor BA(Hons) MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/W4705/Y/16/3154411

Whetley Mills, 370 Thornton Road, Bradford BD8 8LQ

- 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 Rehman against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/02293/LBC, dated 23 March 2016, was refused by notice dated 17 May 2016.
 - The works are retrospective banners and flag sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal concerns a Grade II listed building. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes particular responsibilities on the decision taker. Consequently, the main issue in this case is whether the works, which have already been carried out, preserve the listed building or any features of special architectural and historic interest it possesses (i.e. its significance).

Reasons

3. The appeal property is the frontage block of a large mill complex dating from the mid-19th Century. It stands on a busy main road in the city. Together with the block to the rear, a tall chimney and various other buildings and structures, it forms what the Council describes as one of the best surviving mill complexes in the area, designed by notable Architects. The building has a fairly simple, massive appearance, comprising four storeys in coursed sandstone "bricks" above a rusticated base. On the regular façade, all but a handful of window "openings" are blind, enhancing the building's robust character. From the evidence before me, it is apparent that the building's simple, strong architectural character, group value and highly prominent location contribute to its significance as a designated heritage asset.
 4. The works comprise two large sheet banners, bolted to the stonework, on the building's front elevation, and a vertical banner sign attached via top and bottom brackets to a corner of the building. The sheet banners each approximately cover four window spaces and sit between horizontal string courses at each end of the first floor of the façade, directly above the pavement. The concept of such large, flat, sheet signs, particularly of
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impermanent material, crudely and somewhat arbitrarily affixed to the masonry, appears alien to the character of the building. Their highly prominent position adds considerably to the harm which the works cause to the significance of the building as a heritage asset.

5. I agree with the Council that the vertical banner sign is less harmful, partly due to its much smaller size and partly its more acceptable relationship with the façade's proportions and visual rhythm.
6. I conclude, therefore, that the harm caused by the works is such that they conflict with the requirements of sections 16(2) and 66(1) of the relevant Act. These require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
7. There is also conflict with the *National Planning Policy Framework* (the Framework), which at paragraph 132 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It confirms that significance can be harmed through alterations to a building. In this case, I consider that the harm, although serious, would be less than substantial, within the Framework's meaning of the term.
8. Paragraph 134 requires that less than substantial harm should be weighed against the public benefits of the proposal. I understand the appellant's desire to make a new business visible to passing customers and note without surprise that customer feedback suggests that the signs achieve that. I note also that the appellant is currently the only occupier of the building and I acknowledge that this is helping to ensure its viability as a heritage asset. However, whilst the needs of the business and the employment, economic activity and investment in the building it provides are important considerations, they are not public benefits of sufficient weight to outweigh the harm to the listed building, in the light of the firm requirements of the Act and the Framework. I have considered the appellant's suggestion of a temporary consent whilst the business becomes established but I share the Council's concern that such an approach could lead to even greater harm if future occupiers of the remaining 80% of this building or occupiers of similar buildings sought a similar concession.
9. Although not determinative in a s20 appeal, the works also fail to comply with the development plan¹, taken as a whole. In particular, they conflict with policies BH4 and BH6, which seek to ensure that listed buildings are preserved.

Conclusion

10. For the reasons set out above, the appeal should be dismissed.

Nicholas Taylor

INSPECTOR

¹ Replacement Unitary Development Plan for the Bradford District – Policy Framework