The Planning Inspectorate

Appeal Decision

Inquiry Held on 17 October 2017

Site visit made on

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 23 January 2018

Appeal Ref: APP/P1045/F/16/3164826
The Mill Manager's House, Cromford Mill, Cromford DE4 3RQ

- 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 by Paul Staley against a listed building enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice, ref. PLS/AJ/036.39, was issued on 4 November 2016.
- The contravention of listed building control alleged in the notice is without listed building consent carrying out the following works:
  i. The removal of an internal brick/plastered wall dividing the North East and South East rooms on the ground floor; shown on the plan ref. LPA2 attached to the notice between points A and B
  ii. The removal of timber skirting to the internal dividing wall (northern side only);
  iii. The removal of a projecting section of plastered brickwork on the southern side of the dividing wall;
  iv. The installation of a timber beam between points A and B on the plan attached to the notice (LPA2).
  v. The removal of plaster from the east facing staircase landing wall and removal of the flat ceiling over the entire second floor staircase landing area.
  vi. The removal of the ceilings within all of the rooms on the second floor.
  vii. Part removal of a section of stone walling and stone gate post forming the eastern boundary of the curtilage of the building.
- The steps required by the notice are to:

  SCHEDULE 1 - Ground Floor — Wall between North East room and South East room (refer to plan LPA2 attached to the notice):
  - Remove the steel beam (ensuring any fabric above/adjacent to it is adequately propped/shored for the duration of the works);
  - Re-instate the ground floor brickwork wall between points A and B shown on plan LPA2 attached, on its former location/alignment and to its former width, height and thickness, including the re-instatement of the projecting section of walling to its northern side to its former position, depth of projection and height;
  - Re-instate the painted timber skirting to north side of dividing wall only (to match the remaining, existing, skirting to the room in terms of form, height, profile & finish);
  - Re-plaster the re-instated wall to both sides, including the projecting section.

SCHEDULE 2 - Second Floor (Refer to plan LPA3 attached to the notice):

Staircase landing:

- Re-plaster the entire area of exposed stonework to the east facing wall of the staircase landing using a traditional lime-based wall plaster. Decorate on completion.
- Re-instate the flat ceiling over the entire staircase/landing area to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

North East Room:

- Re-instate the flat ceiling over the north east room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

North West Room:

- Re-instate the flat ceiling over the North West room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

South East Room:

- Re-instate the flat ceiling over the south east room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

South West Room:

- Re-instate the flat ceiling over the south west room to its original level (i.e. 100mm above the top edge of the moulded door architraves). As part of the re-instatement include for the provision & installation of new timber ceiling joists & bearers (appropriately sized), the joists to be spaced appropriately for the installation of timber laths. Install/fix new timber ceiling laths (sawn) to the underside of the new joists. Plaster the ceiling using a traditional lime plaster in 3-coat work. Decorate on completion.

SCHEDULE 3 - External curtilage wall

- The section of boundary walling (internal and external faces) shall be rebuilt to match its former length, height, character, appearance and detailing in all respects;
- those individual stones which have been cut by the masonry saw shall be replaced with new stones (to the former size and shape of the original) of the correct geological source, type and colour and with the associated surface tooling to match the existing exactly.

- original joint widths (horizontal and perpend joints) shall match the original in all respects (including the deep recessed mortar providing the characteristic and existing 'dry-stone' outer appearance);
- the section of boundary wall shall be capped with the existing, original, semi-circular capping stones (also with deep pointing to provide the characteristic 'dry-stone' appearance);
- the section of boundary wall shall be terminated at its former location and constructed in a manner which matches its original form of termination; and,
- on completion of the re-instatement of the section of boundary walling, the original stone gate post shall be re-instated in its exact former location, position, orientation and height.

- The period for compliance with the requirements is 90 days.
- The appeal is made on the grounds set out in section 39(1)(a), (b), (c), (e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. It is directed that the listed building enforcement notice be corrected by:

2. OMISSION of the word *'northern'* from the second requirement of Schedule 1of the listed building enforcement notice, and SUBSTITUTION of the word *'southern'.*

3. Subject to this variation, the appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The Inquiry

4. Evidence at the Inquiry was taken under oath or solemn affirmation.

The listed building enforcement notice

5. There is an inconsistency in the notice regarding the alleged installation of a *timber* beam (allegation (iv)), but the first requirement of Schedule 1 is to replace the *steel* beam. As the appellant pointed out, the steel beam was removed reasonably soon after the Council raised their objection to it, and the timber beam was inserted. In my opinion it would be more onerous on the appellant to be required to remove the timber beam at this stage, when he has already replaced the steel beam, and this would cause him significant injustice. It is therefore beyond my power to vary the notice in this respect. However, it remains open for the Council to issue a further listed building enforcement notice to cover this item, should they consider it expedient.

6. In these circumstances I intend to leave the notice as it stands. I note here that, unlike the provisions relating to planning enforcement notices under s.173(11) of the Town and Country Planning Act 1990 as amended, the fact that the Council have not required replacement of the timber beam does not have the effect of authorising the works under the provisions relating to listed building enforcement.

7. Allegation (iii) refers to the removal of the projecting section of plastered brickwork on the *southern* side of the dividing wall between the north-eastern and south-eastern ground floor rooms, whereas the second requirement of

Schedule 1 refers to reinstatement of the projecting section of walling to the *northern* side (my italics). The plan LPA2 attached to the notice clearly identifies the projecting section to have been on the southern side of the wall. The requirement is clearly wrong in this respect, and I intend to correct the notice accordingly. I do not consider any party to be caused significant injustice by this change.

Preliminary matters

8. The Mill Manager's House is a Grade II listed building standing within the Cromford Conservation Area. I have therefore paid special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required under sections 16(2) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 as amended (the Act). Furthermore, the house is within the Derwent Valley Mills World Heritage Site – a designated heritage asset – and I have taken the advice of the National Planning Policy Framework on heritage assets as a material consideration.

9. The Council have put forward development plan policy regarding protection of listed buildings, conservation areas, and of the World Heritage site. However, I should make clear that the development plan is not determinative in listed building cases, and listed building enforcement cases. Nevertheless, I shall take this policy as indicating the Council's stance on listed building, and other heritage matters.

Background

10. The house stands on the southern side of Mill Lane, opposite one of the primary entrances to the courtyard of the Cromford Mills complex, all of which is Grade I listed. It was built in about 1793 as the dwelling for the mill manager, and listed in 1950. It was used as office accommodation and storage for part of the 20th century and early 21st century.

11. Until quite recently the house was owned by the Arkwright Society – the custodians of the wider complex. In 2015 listed building consent was granted for internal alterations to the house, and planning permission for its change of use from Class B1 office use to Class C3 dwellinghouse use[1], and associated landscaping. The house and an area of land to its south were sold to the appellant in 2015.

Ground (a)

12. This ground is that the building is not of special architectural or historic interest, and is argued solely with respect to the part removal of a section of stone walling and stone gate post on the eastern boundary of the property. The appellant argues that the wall is not within the curtilage of the property, and is not therefore listed by virtue of s.1(5)(b) of the Act.

13. The stone wall in question extends from the main front of the house, curves around the private drive to the east, and extends some 35 metres along that drive, before turning back along a lane leading onto Derby Road. There had been a pedestrian gateway a few metres from the turn into the lane, with

[1] Listed building consent ref. 14/00800/LBALT, and planning permission ref. 14/00799/FUL.

sturdy stone posts to either side of an opening about a metre wide. The posts have been removed and the large stone blocks of the wall cut back with an angle-grinder to form an opening about 3.5 metres wide.

14. The appellant argues that at the time of listing in 1950 the building was in office use, and that the curtilage was limited to the small area, no more than 3 metres wide, across the back of the building. This area is effectively a basement area, defined by the stone retaining wall separating the main back wall of the house from the higher land to the south. I note that there are stone steps from the lower level of this area to the upper, garden level. These steps are of considerable age, and in all probability existed before the time of listing.

15. The appellant also maintains that the wall forms the boundary of an area of woodland that only came into use as garden land associated with the house when the 2015 planning permission was granted for the material change of use from office and storage to residential use and a garden area was defined.

16. Looking at the relationship between the house and the land behind, the boundary wall forms a continuous enclosure to two sides of the site, which starts at the front eastern corner of the building, takes in a small area along its flank, and separates the land from the lane to the south. There is no defined western boundary to the land associated with the house, but that is not particularly surprising, since all the land in the vicinity was in a single ownership until recently. Indeed, the building to the west of the house - previously a carriage house - is also now owned by the appellant.

17. There are several mature trees on the land close to the house, including a monkey puzzle and yew trees, that were clearly planted for ornamental purposes.

18. I consider it almost inconceivable that a house of this considerable importance would have only such a small piece of land as the basement area associated with it. It is much more likely, historically, that there would have been a wider garden area. The existence of ornamental trees points to this, and I find it unlikely that this was an area of parkland, not particularly associated with the building, as was suggested by the appellant. Furthermore, the existence of steps up from the area to the higher level – which are clearly of great age – indicates a connection between the house and a garden. While the wall does not form an entire enclosure, it includes the area to the side of the house, which is continuous with the area to the back. This partially enclosed area would hardly have been formed to delineate a piece of woodland that had no strong association with the house.

19. I accept that the back area may not have been used to any significant degree while the office/storage use subsisted. However, given what I see as a strong relationship in terms of physical layout, long term single ownership, and historic use, this would not have extinguished its existence as curtilage land. In my view, as a matter of fact and degree, the land to the rear of the house and bounded by the stone wall on the eastern and southern sides, forms a part of the curtilage of the listed building.

20. I saw that the boundary wall abuts the eastern face of the house at the northern corner, where there is a vertical joint pointed in mortar. The boundary wall aligns with the top of the projecting plinth of the front wall, and in my opinion forms an element of the architectural make-up of the house. In

my view the boundary wall should be considered as attached to the listed building, and this adds considerable weight to my findings on the historic curtilage.

21. I conclude that the boundary wall stands within the curtilage of the listed building, and in accordance with the provisions of s.1(5)(b) of the Act should be treated as part of the listed building. The appeal on ground (a) therefore fails.

Ground (b)

22. This ground is that the matters alleged to constitute a contravention of sections 9(1) and 9(2) of the Act have not occurred. This ground is argued on the basis that the timber beam had already existed in the wall, in its present position, and is not therefore a new introduction.

23. The timber beam spans an opening between the eastern front room – called Reception Room 1 on the plan approved in 2015 – and the smaller room to the back – called the Larder/Boot Room on that plan. The piers to either side and the brickwork above are plastered, but the beam itself is exposed. This is clearly an alteration to the listed building.

24. It is argued that the timber beam is not a new installation, but was found in this position when the building contractor had discovered a substantial supporting timber and 'very large bricked up original opening' between the two rooms, with deteriorated crumbling brickwork, which he had then removed. It is claimed there was uncertainty about the structural capacity of the timber beam, and as a result it was removed and replaced by a steel beam.

25. A structural engineer's assessment was carried out in August 2017 that shows that the timber beam is adequate for the span. However, this assessment was well after the timber beam had been installed at some time in early 2016. There is no evidence before me to show that any such assessment was carried out before that date. I find it surprising that the appellant's original uncertainty about the structural capacity of the timber beam had apparently been allayed when he came to build the beam into the wall, but without professional structural advice.

26. Furthermore, I find it difficult to believe that the Council inspected the works in late 2015, but that no mention was made at that time of the existence of a timber beam and an original opening by either the appellant or the contractor. Nor was anything discussed when the works of removal of the steel beam and replacement with the timber beam took place. The claim that the timber beam is part of the historic fabric was not made until the appeal was lodged in December 2016.

27. There is little, if anything, to show the timber beam was in the wall when it was opened up, or to support the contention that it was stored on site before being taken away, cleaned up, and returned. There is almost nothing to indicate the width or height of the claimed original opening in the wall.

28. Before this alteration there was a plastered brick wall between the two rooms, with a projection into the Larder/Boot Room. In a house of this age and layout it would be expected that there would be a solid partition between the more formal reception room to the front and the small service room to the rear. In my experience it would be unlikely for there to be an opening between the two

spaces, and highly unlikely there would be an opening of a span that would require a timber beam of such size.

29. Overall, I am sceptical of the claim that there was a timber beam within the wall structure that has merely been put back in its original position. On the balance of probabilities I consider the beam is a recent introduction. It is readily apparent that the timber beam has been installed as a matter of fact. The appeal on ground (b) therefore fails.

Ground (c)

30. This ground is that the matters alleged to contravene section 9(1), (if they occurred), do not constitute such a contravention. It is argued in respect of the following:
    - removal of the projecting section of plastered brickwork (allegation (iv));
    - the removal of plaster from the staircase landing wall (allegation (v));
    - the removal of second floor ceilings over the staircase and bedrooms (allegations (v) and (vi)), and
    - the part removal of a section of stone walling and stone gate post (allegation (vii)).

31. The principal consideration under this ground is whether or not there has been a breach of listed building control, and raises the question of whether the alleged works have been such as to affect the character of the building as one of special architectural or historic interest – either positively or negatively. This ground is not concerned with merits of the works, which are considered under ground (e).

32. Given my findings in the ground (a) appeal – that the stone wall and gatepost are within the curtilage of the listed building – this part of the works falls to be considered under ground (c).

33. The projecting section of plastered brickwork was in the ground floor rear room to the eastern side of the house. At first sight of the plan it appears that it may have been a chimney breast. However, the fireplaces and chimneys of the house are all on the flank walls. Furthermore, it can be seen from photographs that the projecting section was curtailed in the region of half a metre below the ceiling level, and finished with a timber capping. All in all, it is highly unlikely to have been a chimney breast.

34. The appellant says that the projection was a mysterious feature of the house, but I do not accept his suggestion that it was not of any importance, since its continued existence may well have cast light on the way in which the ground floor rooms were used. It appears to me that the projection was an integral part of the design of these ground floor rooms – whatever its purpose - and that alterations to it would therefore affect the architectural and historic character of the house.

35. The removal of plaster from the face of the eastern landing wall has exposed the underlying random stonework from second floor level up to the roof purlin level – now visible as a result of the removal of the second floor ceilings. It is apparent from photographs, and in any case would be expected, that a house of this quality and age would have smooth plastered internal walls and ceilings - it is one of the characteristic features of houses from the 18th century

onwards. As Historic England advise in their consultation response of 14 September 2017, the plaster finish is historically typical of this type of building, "with some architectural embellishment such as cornicing and joinery details, to create a *polite* Georgian interior with a hierarchy of rooms and spaces". In my view the removal of plaster has had a significant effect upon this aspect of the historic character of the house.

36. The ceilings of the attic floor rooms and landing were at a height of about 100mm above the door architraves, significantly lower than ceilings of the rooms on the floors below. This differentiation in ceiling heights is highly characteristic of houses from this time – an element of the hierarchy noted in the English Heritage letter. Removal of the ceilings clearly has a significant effect upon this characteristic, and is an alteration that would have required authorisation.

37. The eastern boundary wall of the site is very much part and parcel of the architectural interest of the house and its setting, with its materials and form closely associated with the house. Creation of the larger opening includes some loss of historic fabric, and affects its original character and appearance. I consider the works carried out would have required authorisation.

38. Although there have been exterior changes to the house, and the interior may have been poorly maintained during its years in use as offices, it retained many of the important and unaltered features that characterise a late 18th century house – notably in terms of the floor plan, the hierarchy of room heights and sizes, doors, door-cases, and finishes. It is likely that alteration to any of these aspects of the design would have an effect upon this character.

39. Overall, I consider all the works subject of the ground (c) appeal have an effect upon the character of the building as one of special architectural or historic interest. The works have not been authorised, and there has therefore been a contravention of s.(9)(1) of the Act. The appeal on ground (c) therefore fails.

Ground (e)

40. This ground is that listed building consent ought to be granted for the works, and is argued in respect of all the works subject of the notice.

41. From my inspection of the appeal site and its surroundings, and from the representations made at the Inquiry and in writing I consider the main issues in this appeal to be the effect of the alleged unauthorised works on the special interest of the listed building, on the character and appearance of the conservation area, and on the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

42. The removal of the ground floor internal wall, timber skirting, and projecting section of brickwork, and the installation of the timber beam all essentially relate to the single operation of forming the approximately 3 metre wide opening between the front and rear ground floor rooms. I have therefore treated all these parts of the allegation together.

43. As the Council argue, the front and rear rooms are of significantly different character in terms of the details of doors and windows, with the front room having a more formal nature with 6-panel doors in quite elaborate timber casings, and windows with internal shutters, as compared with the relatively plain door and frame in the rear room, and the plain window opening. This is

further supported by the fact there was originally a stone floor in the rear room, and timber boarded floor in the front room. The appellant accepts that it is unlikely the two rooms formed a single space, or that there was any intention that they should do so.

44. The evidence for there having been an opening in this wall at some point in the history of the house, is based principally on claims of the previous existence of the timber beam in the wall, that the brickwork below the beam was of a different colour and texture, and a break in the continuity of the skirting. However, as I have concluded above, on the balance of probabilities the timber beam spanning the opening was unlikely to have formed a part of the original structure of the house, or even of a later introduction. Furthermore, there was no documentary evidence of any difference in brickwork colour, nor of a break in the skirting. Photographs taken after demolition of the wall show no indication of any straight vertical joints that might have formed the jambs of an earlier opening.

45. The opening itself is very much wider than any that might be expected in a house of this age and plan, and would almost certainly not be seen in what was originally an elegant reception room. I consider its introduction has caused significant harm in terms of alteration to the historic plan of the house. The exposed timber beam spanning the opening is also a highly incongruous feature in the context of the refined joinery elsewhere in the room, and itself causes significant harm to the architectural interest of the room.

46. Regarding the projecting section of brickwork on the southern side of the wall, the appellant suggests this may have been a relatively recent introduction, possibly to house office equipment or an electric stove. However, there is little or no evidence to suggest that any alterations were carried out to adapt the building for office uses, and I consider it unlikely that such relatively elaborate works would have been done to house quite basic pieces of equipment.

47. The Council suggested that the projecting section may have been the back of a buffet recess in the front room. Such recesses were a feature of some 17th and 18th century houses, and I find this a plausible idea. On balance I consider the projection was probably a significant historic feature of the house, and that its loss hinders any proper interpretation and understanding of its significance in the development of the house. Although reconstruction of the projection could not bring about any way by which its history could be deduced, it would re-establish the original layout, which would itself be of value.

48. Regarding the removal of a section of timber skirting from the northern side of the wall, the appellant says there was a break in its continuity that reflected the opening claimed to have been there. However, there is virtually no evidence as to where that break occurred, or the width of the opening. I am in any case sceptical of the existence of a wide opening, and consider it likely that a section of skirting was removed. Again, this will have resulted in significant harm to the architectural make-up of the room.

49. Overall, I have come to the view that the works constituting allegations (i) to (iv) have caused significant harm to the special architectural and historic interest of the listed building.

50. Considering now the removal of plaster from the second floor landing wall, this has left exposed the random stonework of the structural wall. Since the ceiling has been removed from the landing, the exposed wall extends up to roof purlin height. The exposed wall has then been pointed to make a feature of the individual stones. The walls and ceilings of the house are otherwise smoothly plastered and painted.

51. In my opinion this exposed stonework has introduced an incongruous feature that detracts from the plain, smooth walls that exist throughout the building. Although the plaster may have been in poor condition on this wall, that does not justify its removal without then re-plastering with a suitable material.

52. The lath and plaster ceilings at attic level were originally slightly above the door architraves. They have been removed over the landing and all four attic rooms, with re-plastering carried out leaving the roof trusses, purlins, and dragon-ties exposed. It is highly uncharacteristic to leave the roof structure exposed in an 18th century domestic building, and this in my view causes significant harm to the hierarchy of rooms, where the attic rooms could be expected to have lower ceilings than those on the floors below. Furthermore, the altered shape of the rooms is itself a highly uncharacteristic feature that detracts from a clear understanding of the original form of the building.

53. The appellant says he has done this alteration so that the fine carpentry of the roof structure can be appreciated. However, while this structure has been built in a good workmanlike way, following more or less standard practice for hipped roof construction, it was never intended that it should be exposed. While present day sensibilities may favour exposure of structure, and creation of irregular volumes, this to my mind is quite contrary to 18th century architectural intentions. I consider the removal of these ceilings has caused significant harm to the architectural and historic interest of the building.

54. Turning now to the alteration to the boundary wall, this was originally to give access for machinery to carry out site works, but it is now intended the increased opening should be to allow car parking on the site. Nevertheless, the works have resulted in the loss of a small part of the historic fabric, and have obscured the historic purpose of the opening to give pedestrian access to the garden. In my view this has caused significant harm to the special interest of the listed building. Furthermore, given there are dedicated parking spaces for the Mill Manager's House on the car parking area immediately to the east of the private drive, I consider the appellant's stated need for a new vehicular access gateway to the appeal site is not justified.

55. The alteration to the boundary wall is the only element of the works that is generally visible externally. Although relatively minor, I consider the introduction of what is clearly an access for vehicles, and the damage to the wall caused by mechanical cutting of masonry causes harm to the generally well-preserved historic character of the conservation area, and to the value of this site as an important and largely unaltered part of our historic industrial heritage.

56. Paragraph 132 of the National Planning Policy Framework (NPPF) advises that in considering the impact of works on a designated heritage asset, great weight should be given to the asset's conservation. In this case, given the location of the house within the World Heritage Site, which is significant for its

Outstanding Universal Value, I consider that this advice is of particular importance.

57. Overall, the unauthorised works have removed particular elements that were significant for the historic and architectural layout and hierarchy of the house – notably the brick wall and projection, the attic ceilings, and wall plaster. Other elements have been introduced that are incongruous with the architectural make-up – notably, the wide opening and timber beam on the ground floor, and the exposed trusses and masonry on the attic floor. I realise these elements are not open to public view. However, it is the intrinsic special interest of the listed building that is to be protected from harm, irrespective of the availability of such views. Similarly, I find these alterations detract from the importance and value of the house as a feature of the World Heritage Site.

58. The appellant claims that the works were essential elements in a restoration plan to bring the building into a habitable condition. However, photographs from 2015 show the house as it was just after the office use ceased. There had clearly been poor maintenance, plumbing and electrical services had been installed insensitively, and there was some plaster deterioration. However, the layout of the building had not been significantly altered, and the plans approved in 2015 showed a workable scheme for a dwelling, without the incongruous alterations that have now been carried out. I do not accept that the works subject of the notice were necessary to bring the building into a habitable condition.

59. Although the appellant claims the works are reversible, it appears to me that they are essentially permanent alterations, and that there is no intention to reinstate the original form or details.

60. The works subject of the notice have caused significant harm to the special interest of the building, but this must be regarded as less than substantial harm in terms of paragraph 134 of the NPPF. Such harm should be weighed against the public benefits of the proposal, including securing the optimum viable use. The Mill Manager's House is now in its optimum viable use as a dwelling, but as noted above, this could have resulted from implementation of the 2015 consent. Furthermore, the alterations carried out provide no public benefits. I do not therefore find the harm caused by the unauthorised works to be outweighed by any public benefits.

61. I conclude on the main issue that the unauthorised works case significant harm the special interest of the listed building, to the character and appearance of the conservation area, and to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. The appeal on ground (e) therefore fails.

Ground (g)

62. This ground is that except in relation to such a requirement as mentioned in s.38(2)(b) or (c) of the Act, the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

63. This ground is argued in respect of the ceiling removed in the south-western attic room, which it is claimed had a plasterboard rather than a lath and plaster ceiling. Furthermore, this plasterboard ceiling may have been in place at the time of listing. This argument is extended to say that it would be sensible for

plasterboard to be used for all the reconstructed ceilings, since the difference between lath and plaster and plasterboard is indiscernible.

64. Apart from the assertion that there was a plasterboard ceiling in the south-western attic room, there is no evidence of any substance to show its previous existence. Nor has any substantial evidence been put forward to show the plasterboard ceiling was there at the time of listing – and therefore would not have needed listed building consent for the change.

65. It may be the case that plasterboard is indistinguishable from lath and plaster in the short term. However, over time, plasterboard finishes tend to crack along the board joints, whereas lath and plaster has a good degree of flexibility that allows it to take on movements in the substrate without cracking. I do not accept that it would be a suitable substitute.

66. Given the lack of evidence as to the existence of a plasterboard ceiling in the south-western attic room, or its lawfulness, I am by no means satisfied that this was the state of the building before the alleged unauthorised works were carried out. Nor do I consider that plasterboard would be an acceptable alternative to lath and plaster. The appeal on ground (g) therefore fails.

Conclusions

67. For the reasons given above I conclude that the appeal should fail. I intend to uphold the listed building enforcement notice, with a correction, and to refuse listed building consent.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Roger Yarwood MRTPI (also giving evidence)	Chartered Town Planner, Principal of Roger Yarwood Planning Consultant Ltd.
He called:	
Paul Staley	The appellant.
Lloyd Tingly	Listed building and conservation area specialist.

FOR THE LOCAL PLANNING AUTHORITY:

Christian Hawley	of Counsel, instructed by Katie Hammell, Solicitor Head of Legal Department, Derbyshire Dales District Council.
He called:	
Bryn Maw	Planning Enforcement Officer, Derbyshire Dales District Council.
Dr Mark Askey BA(Hons) DipArchCons PhD Cert Archaeology IHBC	Conservation and Design Officer, Derbyshire Dales District Council.

INTERESTED PERSONS:

Doreen Buxton	Volunteer for the Arkwright Society.

DOCUMENTS

1 Attendance list.
2 The Council's letters of notification of the appeal, dated 8 September and 15 March 2017.
3 Statement of Common Ground, dated 17 October 2017.
4 Sworn affidavit of Neil Bannister.
5 Appendices to Mr Yarwood's proof of evidence.
6 Appendices to Dr Askey's proof of evidence.
7 Appendices to Mr Maw's proof of evidence.
8 Design and access statement, and significance statement.

PLANS

A Existing and proposed plans, and block plan for planning permission ref. 14/00799/FUL.
B Land Registry Title Plan no. DY458228.

PHOTOGRAPHS

1-9 Photographs of the Mill Manager's House, and boundary wall.