



---

## Appeal Decision

Site visit made on 22 October 2019

**by Stephen Brown MA(Cantab) DipArch RIBA**

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

**Decision date: 3<sup>rd</sup> December 2019**

---

### **Appeal A: ref. APP/W4705/F/18/3214496**

#### **1 Priesthorpe Hall, Park Road, Bingley BD16 4EA**

- 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 Matthew McLaughlin against a listed building enforcement notice issued by City of Bradford Metropolitan District Council.
  - The enforcement notice, ref. 17/00878/ENFLBC, was issued on 11 September 2018.
  - The contravention of listed building control alleged in the notice is without listed building consent the installation of metal and timber gates within the openings of the listed boundary walls to the front of the building as shown on the photograph attached to the notice.
  - The requirements of the notice are to:  
Remove the timber and metal gates from the openings of the listed boundary walls to the front of the Building, remove all resulting materials and make good any damage caused to the listed boundary walls and the Building as a result of compliance with the requirements of the notice.
  - The period for compliance with the requirements is one month.
  - The appeal is made on the ground set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- 

### **Appeal B: ref. APP/W4705/C/18/3214492 & 3214493**

#### **1 Priesthorpe Hall, Park Road, Bingley BD16 4EA**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is by Matthew McLaughlin and Rachel McLaughlin against an enforcement notice issued by City of Bradford Metropolitan District Council.
  - The enforcement notice, ref. 17/00878/ENFUNA, was issued on 11 September 2018.
  - The breach of planning control alleged in the notice is without planning permission the erection of a glazed outbuilding on the land, as shown on the photograph attached to the notice.
  - The requirements of the notice are to:  
Demolish the unauthorised glazed outbuilding and remove all resulting materials from the land.
  - The period for compliance with the requirements is six weeks.
  - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
- 

## **Decisions**

### **Appeal A: ref. APP/W4705/F/18/3214496**

1. 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.

**Appeal B: refs. APP/W4705/C/18/3214492 & 3214493**

2. The appeals are allowed on ground g, and I direct that the enforcement notice be varied by:  
DELETION of *six weeks*; and,  
SUBSTITUTION of *twelve weeks* as the period for compliance.  
Subject to this variation the enforcement notice is upheld.

**Preliminary matters**

3. The appeals concern two listed buildings - Priesthorpe Hall, formerly known as Monks Barn – and the wall, gate piers, steps and mounting block approximately 10 metres to the south west of Monks Barn. Monks Barn itself was converted and refurbished to form three dwellings in 2008. No. 1 Priesthorpe Hall comprises the part of Monks Barn with a gable end onto the street and a courtyard to its south-east enclosed on two sides by the listed wall and gate piers, with the steps leading up to the gateways.
4. Given the listed status of the buildings I have paid special regard to the desirability of preserving the buildings, their settings, and any features of special architectural or historic interest they possess, as required under sections 66(1) and 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 as amended (the Act).

**Appeal A - the listed building enforcement appeal on ground (e)**

5. This ground is that listed building consent ought to be granted for the works enforced against. In that regard, I consider the main issue to be the effect of the unauthorised works on the special architectural and historic interest of the listed wall and gate piers, and on the setting of Monks Barn.
6. The two openings in the wall to the south-western side of the courtyard are the doorway with architrave and false keystone, and that between the square gate piers identified in the list description. The gates subject of the notice are within these two openings. They effectively fill the openings and are constructed of an imitation wood material faced with a grill of ornamental steel sections in a square trellis pattern. The grill is fixed to the imitation timber backing with bright metal screws or bolts. The gate within the doorway opening has a letter box and a viewing port with a grill. The double doors between the gate piers are each fitted with door knockers in a lion's head pattern.
7. The form of the gates appears to be an attempt at imitation of some mediaeval pattern. In my opinion the form, materials and details are quite out of place in 18<sup>th</sup> century courtyard walls with classically detailed stone piers and architraves, and within the setting of an originally mid-17<sup>th</sup> century house. I do not concur with the appellant's view that they more closely reflect the period of the building's original construction.
8. 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 my opinion the gates cause significant harm to the special architectural and historic interest of the listed wall and gate piers, and to the setting of the house itself.

9. 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 use of the building is clearly properly secured. However, the installation of the gates provides no public benefit that might outweigh the harm I have identified.
10. I understand that the two openings previously had steel railings similar to those along the top of the road boundary wall. These may have been a late introduction, but from the image I have seen appeared sympathetic to the make-up of the building. The appellant claims that the gates have been installed to improve security and privacy. However, such improvements could be made by other means, and do not justify causing significant harm to listed building interests. The appeal on ground (e) therefore fails, and I intend to uphold the listed building enforcement notice.

### **Appeal B – the planning appeals on ground (g)**

11. In 2018 a planning application for retention of the glazed outbuilding – called a detached storage building at that time – was refused<sup>1</sup>. An appeal against that decision was dismissed later that year<sup>2</sup>. The enforcement notice relating to the outbuilding was issued subsequent to the refusal of planning permission.
12. Ground (g) is that the period for compliance with the notice is too short. The appellant argues that the outbuilding is necessary for storage purposes ancillary to use of the house – that is, to store motor cycles securely. Furthermore, arrangements would need to be made to fund the demolition and removal works.
13. I could see there were 4 motorcycles in the outbuilding at the time of my visit, and I can well understand the need to have secure storage. However, there is no evidence to show the appellant has tried to find secure storage elsewhere, and I do not consider it would be out of the question to do so.
14. Nevertheless, it would probably be necessary to have a period of six weeks to find an alternative suitable space. Arrangements could be made during that period to find and appoint a contractor to carry out the works of demolition and removal, and to arrange funding. I consider a further period of six weeks should then be allowed to carry out those works. A total of 12 weeks should be allowed in total.
15. The appeal therefore succeeds on ground (g), and I shall vary the notice accordingly before upholding it.

### **Conclusions**

16. For the reasons given above and having regard to all other matters raised I conclude that the listed building enforcement appeal should fail.
17. With regard to the planning enforcement appeal, the appeal under ground (g) succeeds, and I conclude that a reasonable period for compliance would be 6

---

<sup>1</sup> Decision notice ref. 18/01253/HOU, dated 8 June 2018.

<sup>2</sup> Appeal ref. APP/W4705/D/18/3210110, dated 12 November 2018.

months, and I am varying the enforcement notice accordingly, prior to upholding it.

***Stephen Brown***

INSPECTOR