
Appeal Decision

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/J0405/W/20/3245796

The Church of St Mary, Church Way, East Claydon, Buckingham, Buckinghamshire MK18 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by the Revd Rickey Simpson-Gray against the decision of Aylesbury Vale District Council.
 - The application Ref 19/02930/APP, dated 5 August 2019, was approved on 16 January 2020 and planning permission was granted subject to conditions.
 - The development permitted is covering the nave roof of St Mary's Church East Claydon with matt grey terne-coated stainless steel.
 - The condition in dispute is No 2 which states that: No works shall take place on site until the applicant has secured the making of a detailed record/implementation of a scheme of recording of the building concerned. This must be carried out by a building recording consultant or organisation approved by the Local Planning Authority in accordance with a written scheme of investigation which shall first be submitted to and agreed in writing by the Local Planning Authority.
 - The reason given for the condition is: To comply with the National Planning Policy Framework. This condition is a pre-commencement requirement as a failure to secure appropriate investigation in advance of development would be contrary to the NPPF that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).
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Decision

1. The appeal is allowed and the planning permission Ref 19/02930/APP for covering the nave roof with matt grey terne-coated stainless steel at The Church of St Mary, Church Way, East Claydon, Buckingham, Buckinghamshire MK18 2ND granted on 16 January 2020 by Aylesbury Vale District Council, is varied by deleting condition 2.

Preliminary Matter

2. In response to travel restrictions due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I am able to reach a decision based on the information already available. Both the appellant and the Council were given an opportunity to provide comments on this approach.

Background and Main Issue

3. Lead was stolen from the nave roof of the Church of St Mary. Subsequently planning permission was granted to replace this with terne-coated stainless steel under permission 19/02930/APP. Condition 2 on that permission required the making of a detailed record/implementation of a scheme of recording of the

building (church) to be carried out by a building recording consultant or organisation approved by the Council.

4. The main issue is whether condition 2 is reasonable or necessary having particular regard to the desirability of preserving the special architectural and historic interest of The Church of St Mary which is Grade II listed.

Reasons

5. The Council refer to para 199 of the National Planning Policy Framework (the Framework) in both the reason for the condition and their evidence to justify the condition in dispute. This states: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
6. Normally a condition requiring the carrying out a programme of site recording and publishing along the lines of that described in para 199 of the Framework is imposed where it has been agreed that part of a heritage asset can be lost e.g. destroyed or demolished, but that what is being lost should be recorded first, in the public interest, in order to mitigate the harm from its loss.
7. In this case, the lead has been stolen so the details of this are effectively lost forever and unable now to be recorded. The development permitted also only concerns a new replacement roof covering for the nave, to which the Council raise no concerns, nor do I find any harm. Therefore, no part of the heritage asset is to be destroyed or removed as part of this work. Consequently, I find it is not necessary to make a record of any loss to the heritage asset when granting planning permission.
8. The Council's Heritage specialist has commented that the nature of the works would allow access to the roof which presents an opportunity to understand more about the building and its significance which should be recorded for future generations. However, planning conditions should only be imposed, amongst other things, where they are necessary i.e. permission would be refused were the condition not to be imposed. Whilst an opportunity to understand more about the building and its significance might be desirable, this is not necessary to grant planning permission for the reasons set out above.
9. Accordingly, I find that condition 2 is not reasonable or necessary and its removal from the above planning permission would not cause harm to the special architectural and historic interest of the Grade II listed Church of St Mary. I will therefore vary the planning permission by deleting condition 2.

Hayley Butcher

INSPECTOR