



Appeal Decision

Site visit made on 1 December 2020

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2021

Appeal Ref: APP/M9496/D/20/3256035

Star House, Main Street, Taddington SK17 9TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Allen against the decision of Peak District National Park.
 - The application Ref NP/DDD/0420/0309, dated 3 April 2020, was refused by notice dated 2 June 2020.
 - The development proposed is the erection of double garage and store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appellant has provided a revised plan as part of the appeal. This sees the proposed garage/store building reorientated (so that the store element is on the western side, rather than on the eastern side) and indicates a proposed car parking layout for the remainder of the site. The Procedural Guide¹ advises that if an applicant thinks that amending their application proposal will overcome a local planning authority's reasons for refusal they should normally make a fresh planning application.
4. It further states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essential what was considered by the local planning authority and on which interested people's views were sought. In light of this, since the revised plan would alter the nature of the proposed development, and with the 'Wheatcroft Principles'² in mind, I confirm that I have considered the appeal on the basis of the plans as originally submitted as part of the planning application.
5. The listing description for the Church of St Michael refers to its location on Main Road and the Taddington Conservation Area Appraisal Map also indicates the principal route through the village to be Main Road. However, the planning application form and appeal form as well as the Council's decision notice and other documents provided as part of the appeal refer to Main Street. I confirm that I have also referred to this road as Main Street.

¹ The Planning Inspectorate's Procedural Guide, Planning Appeals – England November 2020

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

6. The main issues are:

- whether the proposal would preserve the setting of the nearby Grade I listed building Church of St Michael (Ref: 1109887); and
- whether the proposal would preserve or enhance the character or appearance the Taddington Conservation Area.

Reasons

The setting of the listed building and the conservation area

7. The appeal site comprises a gravelled parking area at the end of a short terrace or residential properties. It is immediately adjacent to the eastern most extent of the grounds of the churchyard. The elegant fourteenth century parish church is constructed from rubble limestone with gritstone dressing and quoins and is set within an extensive churchyard which is approached through a magnificent lych gate. A historic war memorial is also situated in close proximity to this entrance. The church is situated on elevated ground within the churchyard and its imposing spire is clearly intervisible with both the lych gate and the war memorial when viewed from the appeal site and the nearby road. A path leads from the gateway to the southwest corner of the church and helps to draw the eye towards the spire of the church which is a building of the highest national significance.
8. The listing for the church includes any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building under Section 1(5) of the Act. This is irrespective of whether or not it has been explicitly identified in the list description. In this instance this includes the lych gate and war memorial because these structures are within the historic curtilage of the listed building, and appear to have been erected prior to 1948.
9. The lych gate comprises stone walls and supports with a timber roof frame surmounted by a tiled roof. The dates 1914 and 1918 are engraved on a large timber beam and would most likely have replaced a wooden lych gate from an earlier period. The lych gate was traditionally a place where corpse bearers carried the coffin and stored it before burial. It also serves as a meeting point and shelter for funeral parties and has a ritualistic purpose in marking the transition from secular to sacred ground. Additionally it provides a prominent arrival feature that is intervisible with the church spire which further emphasises its liminal quality as a transition point or threshold to the hallowed ground of the churchyard.
10. The war memorial is directly to the east of the lych gate and takes the form of a freestanding stone cross on a pedestal. War memorials have a deep emotional resonance with people at a local level and are a powerful reminder of the war and record of lives lost. They remain a focal point for the commemoration and a place for reflection. In this instance the modest architectural style of the simple cross accords with the memorial's rural location where it is a key part of the historic environment and a ritualistic focus for village life.

11. The setting of the listed building, and the contribution this makes to its significance, insofar as it relates to this appeal, is derived from the unhindered juxtaposition of the lych gate, war memorial and churchyard that speak directly to the importance of the asset as a place of quiet reflection and remembrance as well as providing a clear focus for rural village life, rituals and worship.
12. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The appeal site adjoins the eastern wall of the churchyard. There is some well-established vegetation towards the rear of the site on its western and northern boundaries, including a number of trees and large bushes. Despite these, there is still a good deal of inter-visibility to varying extents between the appeal site and the adjacent churchyard. Some views of the churchyard are taken from Main Street across the appeal site and other views of the war memorial and the lychgate from within the churchyard and from Main Street are taken against the backdrop of the appeal site.
13. The appellant refers to caselaw³ which finds that the interposition of a screen of trees prevented a site from forming part of the setting of a listed building. However, in this instance, the vegetation along the site's boundaries does not effectively screen the appeal site from the churchyard and is in no way comparable to the 'Derby Screen'. This is so particularly in the winter months when not all the vegetation is in leaf. I am also mindful that there is nothing to prevent the future loss of this partial screening through pests, disease or future removal. As such, the appeal site has a close and direct visual relationship with the churchyard and therefore contributes to the listed building's setting. I have had special regard to this matter in considering the appeal.
14. The appeal site is within the Taddington Conservation Area. This covers much of the rural settlement which is a typical limestone village that is linear in form and retains its medieval strip field system. There is development on either side of Main Street, in many cases fronting directly on to the road. This arrangement reflects the farming origins of the village and includes a number of converted barns. The church is set well back from Main Street at the western end of the village, but with its elevated position and extensive grounds it is an important historic feature. The war memorial and lych gate mark its entrance in Main Street and attest to its valued community and commemorative role.
15. I consider that the significance of the conservation area, in so far as it relates to this appeal, to be mainly derived from its landmark structures and open agrarian character. As an open and undeveloped area, the appeal site contributes positively to the historic character and appearance of this part of the conservation area.

The effect of the proposal on the designated heritage assets

16. The appeal property is a mid-terrace cottage facing directly on to Main Street. It adjoins Slaters Cottage to the west and Star Barn to the east. These dwellings were permitted in 2014 and included the laying out of a parking area at the end of the terrace between Slaters Cottage and the churchyard. The proposed double garage and store would be located on the northern boundary of this communal parking area.

³ Catesby Estates Ltd v Steer [2018] EWCA Civ 1697) – check

17. It would be constructed of natural limestone with a pitched roof in blue slate and the Authority accepts that it would be of an appropriate design using traditional materials. It would be set well back from the road at a slightly offset angle to follow the northern boundary of the site. As set out above, there is vegetation on the site's boundaries which would screen the proposal in some views. Additionally the building would be located in part to the rear of the terrace, such that its eastern side would be obscured in some views from the road by Slaters Cottage.
18. Nevertheless, the proposal would introduce a considerable structure to the currently open site. It would be orientated to face towards the road, and would fill the width of the plot with its substantial front elevation. It would seriously reduce the openness of the site and bring built development very close to the boundary with the adjoining churchyard. Its incongruent massing would also be highly visible down the driveway and from Main Street.
19. As things stand, as an open undeveloped area the appeal site relates closely to the churchyard to the west. This is so despite the boundary walls and the vegetation around the site's boundaries. Whilst I accept that the proposal would be some distance from the church itself, it would be in very close proximity to the churchyard as well as to the war memorial and the lych gate in what is a highly sensitive location.
20. As a result of its considerable size and unsatisfactory siting and orientation, the proposal would appear as a prominent and unsympathetic feature. Due to its lack of separation from the boundary, it would encroach into the sense of openness of the adjacent churchyard and significantly erode the nearby historic features through the creation of a visually overwhelming structure that would dwarf the more diminutive forms of the war memorial and the lych gate.
21. This being so, the proposal would compete visually with these important historic features and draw the eye away from them. As well as impairing the sense of arrival into the churchyard, this would adversely affect how the churchyard and the memorial structures are viewed and appreciated. It would erode their important commemorative and community role and detract from the atmosphere in which they are experienced as a place of quiet reflection and remembrance and focus for rural village life.
22. In unacceptably undermining these elements which contribute positively to the special interest and significance of the listed building the proposal would detract from the setting of the listed building, and the ability to appreciate it. For these reasons, I find that the proposal would fail to preserve the setting of the listed building.
23. The appellant refers to ancillary buildings associated with another dwelling to the north which he regards to be in a similar proximity to the church as the appeal scheme, and to which the Authority raised no objections. However, those buildings do not share the same relationship with the lych gate, war memorial or Main Street as the appeal scheme. The appellant also cites other development which has been approved adjoining listed churches in a nearby village. However, I am not aware of the details of that development and so cannot be sure that the circumstances which led to it are the same as in the case before me. As such, these matters do not alter my conclusions in relation to the proposal's impact on the setting of the listed building.

24. Turning to the effect of the proposal on the conservation area, the appeal site is in a prominent and highly visible location in an important position on Main Street next to the churchyard and the commemorative structures there. As a currently open and undeveloped area, it has a close relationship with the churchyard and provides space for it to be appreciated. As such it contributes to the sense of identity and place in this part of the conservation area.
25. For the reasons given above, the substantial form and bulk of the proposal and its unacceptable siting and orientation on the appeal site, would undermine the setting of the listed church. This being so, it would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would thus fail to preserve its character and appearance.
26. The Authority is also concerned that the construction of the garage would leave insufficient off street parking and manoeuvring space to meet the needs of both Star House and Slaters Cottage. As a result it is concerned that parking would be displaced on to Main Street causing further harm to the visual amenity of the conservation area.
27. Whilst the Authority indicates that it has not been provided in accordance with the approved plans, the planning permission for the houses includes the laying out of an area for the parking of four vehicles (two for Star House and two for Slaters Cottage). The proposed garage would be used by the occupiers of Star House and would provide two parking spaces. However, it has not been demonstrated that sufficient space could be provided within the remaining part of the site for the two required parking spaces for vehicles associated with Slaters Cottage.
28. The proposed garage would take up much of the site and additional parts of it would need to remain clear of cars to allow access to the garage, provide clearance for the garage doors to open, and to accommodate the turning and manoeuvring of vehicles within the site. It is not clear how two car parking spaces could be provided for Slaters Cottage in this context. No plan to demonstrate how this would be achieved in practice was submitted to support the planning application.
29. As set out above, whilst a revised plan showing a parking layout has been submitted as part of the appeal, this relates to an alternative building which is not before me. This being so, I cannot be satisfied that sufficient parking to meet the Authority's standards could be provided on the site as part of the appeal scheme. Consequently, I cannot rule out that there is a likelihood that vehicles associated with Slaters Cottage would end up parking on Main Street instead.
30. Main Street is the primary road running through the linear village and has no parking restrictions. It is an important street in the conservation area and central to the village and its traditional rural character. The Authority recognises that larger numbers of parked cars in village centres can be visually intrusive, and I agree that this would be the case in Taddington, particularly in the vicinity of the church.
31. Taking these factors into account, I cannot be satisfied that the proposal would not lead to the displacement of car parking on to the street, and share the Authority's view that this could well detract from the character and appearance

of the conservation area. This adds further to my concerns in relation to the impact of the proposal on the conservation area outlined above.

The heritage balance

32. I therefore conclude on the main issues that the proposal would fail to preserve the significance of the conservation area and would not preserve the setting of the nearby listed building. I give this harm considerable importance and weight in the balance of this appeal.
33. The appellant criticises the Authority's approach to considering the heritage assets which he does not regard to align with the steps set out in Historic England's advice. Nevertheless, I confirm that I have considered the proposal on its own merits and made my own assessment as to its impacts in these regards.
34. The Framework advises at paragraph 193 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. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 196 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
35. The appellant indicates that the proposal would provide secure parking and a storage area for garden equipment and domestic items. I also appreciate that Slater's Cottage and Star House are currently used as holiday accommodation but could be sold/rented on the open market. In these circumstances Star House would be sold/rented along with the garage leaving the remaining part of the site for parking for Slater's cottage such that the spaces would be clearly allocated. Be that as it may, I see no reason why parking spaces could not be identified and demarcated to each property in the absence of the appeal scheme. In any event, these only amount to private benefits.
36. The appellant also argues that the proposal would result in some aesthetic enhancement to the street scene and conservation area as parked cars which would have been visible, will be parked in the garage. However, I am not persuaded that the visual impact of two cars (which would be smaller in size than the building and by their nature would come and go) would be as great as the visual impact of the permanent built form of the garage. I am also mindful that the remaining open part of the site would still be used for car parking in any event, and that the use of the garage for parking vehicles could not be ensured or insisted upon. The appellant also considers that the proposed bin store to the western side of the garage would be a benefit to the character and appearance of the area by removing the bins from their current location. However, I see no reason why the bins could not be re-located more sensitively in the absence of the appeal scheme. As such, any public benefits arising in these regards would be minimal.
37. Bringing matters together, I find that overall, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage assets I have identified.

38. The proposal would be contrary to Policy GSP3 of the Peak District National Park Local Development Framework Core Strategy Development Plan Document (Core Strategy) which states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal, and with Core Strategy Policy L3 which indicates that development must conserve, and where appropriate enhance or reveal the significance of archaeological, artistic or historic assets and their setting.
39. It would also be at odds with Policy DMC5 of the Peak District National Park Development Management Plan Policies (DM Plan) which advises that development affecting a heritage asset including its setting, must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced. Furthermore the proposal would fail to support DM Plan Policy DMC8 which seeks to protect the character and appearance of conservation areas or Policy DMH7 which states that new outbuildings will be permitted provided the scale, mass, form and design of the building conserves or enhances the immediate dwelling and the curtilage, any valued characteristics of the adjacent built environment and/or landscape including listed building status and setting and conservation area character.
40. Finally, the proposal would undermine DM Plan Policy DMT8 which states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual or other amenity of the local community.
41. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 192 of the Framework and would be in conflict with the development plan.

Other Matters

42. The appellant is dissatisfied with the Authority's handling of the planning application and refers to a lack of constructive discussions or opportunity to amend the proposal. He also questions whether a site visit took place. However, those are matters between the appellant and the Authority. I confirm that I have considered the appeal scheme on its own planning merits and made my own assessment as to its impact.

Conclusion

43. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR