



Appeal Decision

Site visit made on 7 September 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/P4415/D/21/3275434

Mill House, Manor Farm Court, Peak Lane, Hooton Levitt, Rotherham S66 8PL

- 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 Nelson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/0156, dated 25 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is construction of timber and stone entrance canopy / porch to front elevation. Removal of window on rear elevation and fit new double doors.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of timber and stone entrance canopy / porch to front elevation. Removal of window on rear elevation and fit new double doors at Mill House, Manor Farm Court, Peak Lane, Hooton Levitt, Rotherham S66 8PL in accordance with the application RB2021/0156 dated 25 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Procedural Matter

2. The appeal property is located within the Green Belt. This matter is not an issue between the parties and the Council has accepted that the proposal is not inappropriate development within the Green Belt. I agree with this assessment and my decision deals solely with the reason for refusal given by the Council.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the host dwelling and the surrounding area, and linked to that, the effect of the proposal on the setting of the adjacent Grade II listed building, 'Fitz Turgis', by diminishing the agricultural character of that property.

Reasons

4. The appeal property is a barn conversion in a group that were approved in 2005. All are of limestone construction with pantile roofs. A detached property at the top of the courtyard is a Listed Building 'Fitz Turgis'
5. The proposal would see a canopy installed to the front of the property, with dwarf limestone wall and timber pillars supporting a tiled roof and would measure approximately 3m x 1.5m and would be open-sided. In addition, French doors would be inserted at the rear of the property, which require consent due to planning conditions on the original application
6. I find the proposals to be modest in their outlook, with an open-sided canopy constructed of matching materials and the rear French doors both being of simple proportions. The architectural merits of the barn conversion have been a lynchpin of the Council's reason for refusal, but I am satisfied that the nature and scope of the proposals are not significant in the overall impact and design of the property and would not upset the architectural merits of the overall property.
7. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. It seems to me that although it is within the setting of the adjacent listed building, it has a limited impact on its significance. I acknowledge that the proposal would result in a further change to the building. However, given that I have concluded that the proposal would not cause any undue harm to the building itself, or the surrounding area, that change would have a neutral impact on the setting and significance of the listed building.
9. Therefore, the proposal would preserve the special interest and setting of Fitz Turgis and would not result in harm to the significance of this listed building. As a result, I find that it would comply with Policy CS23 of the Rotherham Local Plan Core Strategy (2014) and policies SP40 and SP43 (incorrectly labelled as SP46 on the Decision Notice) of the Rotherham Local Plan Sites and Policies (2018), which, amongst other matters, expect development to protect the significance of heritage assets and encourage good design in the setting of Listed Buildings
10. The proposal would also comply with the Framework which requires, amongst other things, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Finally, it would preserve the setting of the listed buildings as required by Section 66(1) of the LBCA Act.

Conditions

11. In terms of the Conditions, these are all standard, and in the interests of proper planning. I see no reason to add any additional conditions.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR