



Appeal Decisions

Site Visit made on 28 September 2021

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal A Ref: APP/C3240/C/20/3265114

Oak Barn, Church Barn, Lilleshall, NEWPORT, TF10 9HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Darren Ellis against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 20 November 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a wooden arch and pergola.
 - The requirements of the notice are 1. demolish and remove the wooden arch and pergola from the land. 2. reinstate railings to the side of steps to match the materials and style of original railings, as shown in photograph attached in appendix 1.
 - The period for compliance with the requirements is: 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/C3240/W/20/3265235

OAK BARN, LILLESALL, TF10 9HE

- 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 Darren Ellis against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0584, dated 10 August 2020, was refused by notice dated 5 October 2020.
 - The development proposed is erection of a wooden arch and wooden pergola to meet access gate with repair and replacement of the existing brick steps (Full Planning) (Part-Retroactive).
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Appeal C Ref: APP/C3240/Y/20/3265237

OAK BARN, LILLESALL, TF10 9HE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Darren Ellis against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0585, dated 10 August 2020, was refused by notice dated 5 October 2020.
 - The works proposed are erection of a wooden arch and wooden pergola to meet access gate with repair and replacement of the existing brick steps (Listed Building) (Part-Retroactive).
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Decisions

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already

carried out, namely the erection of a wooden arch and pergola at Oak Barn, Lilleshall, TF10 9HE as shown on the plan attached to the notice.

2. Appeal B is dismissed insofar as it related to the replacement wooden gate. The appeal is allowed insofar as it related to erection of a wooden arch and wooden pergola to meet access gate with repair and replacement of the existing brick steps and planning permission is granted for that development at Oak Barn, Church Road, Lilleshall, Shropshire, TF10 9HE in accordance with the terms of the application, Ref TWC/2020/0584, dated 10 August 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: TWC/2020/0584 dated 24 August 2020, except for the wooden gate shown therein.
3. Appeal C is dismissed and listed building consent refused insofar as it related to the replacement wooden gate. The appeal is allowed and listed building consent is granted for the erection of a wooden arch and wooden pergola to meet access gate with repair and replacement of the existing brick steps (Listed Building) (Part-Retrospective) at Oak Barn, Church Road, Lilleshall, Shropshire, TF10 9HE in accordance with the terms of the application Ref TWC/2020/0585 dated 10 August 2020 subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: TWC/2020/0584 dated 24 August 2020, except for the wooden gate shown therein.

Background to the Appeals

4. All three appeals are for the same development, a wooden arch and pergola, with in addition new steps, handrail and gate in appeals B and C.

Main Issues

5. The impact of the proposals on the significance of the listed Oak Barn, its neighbours, its setting and the character and appearance of the area generally.

Reasons

6. Oak Barn is part of a complex of farm buildings that appear to have been converted into houses, along with new build houses. Oak Barn and its attached neighbour, the Threshing Barn, sit at the front of the site facing onto Church Road more or less in the middle of this part of Lilleshall. The whole development has used similar materials, including metal railings and gates across the new build and the conversions to create some sense of coherence. The main issue the Council have is the loss of this continuity by the replacement of the metal gate with a wooden one and the erection of the pergola which introduces a domestic element in front of Oak Barn when the original conversion had gone to considerable lengths to maintain the simple agricultural feel to the frontage.

7. In fact, the frontage of Oak Barn is rather more complicated than that as, due to changes in ground level it is lower than the road and set back from it. The Threshing Barn has a more traditional relationship with a small front garden area behind a low stone wall with a metal gate. The stone wall continues along the road frontage with another metal gate that gives access to the front of Oak Barn. It is this gate that is proposed to be replaced by the wooden one.
8. The gate now provides access down steps to a car parking area in front of Oak Barn and the steps are covered by the pergola up which it is intended to grow climbing plants. Trees and shrubs have already been planted along the road frontage behind the wall beside the gate and pergola. The parking area provides space for cars belonging to Oak Barn and the neighbour at the Threshing Barn. Cars enter this space under an arch in a modern garage block, accessed from the new Hill Farm Close which runs down beside the converted buildings and provides access to a small estate of new builds. Behind the car parking area Oak Barn has its own front garden, which is separated from the car parking by its own, presumably new, brick wall and metal gate.
9. Judging by old photographs this whole area was originally open, providing a sloping grassy yard in front of the barn. This has now been lost by the creation of the parking spaces, garage building, levelling of the ground and new gardens for the two conversions. In short it seems to me the setting of the barn has already been considerably compromised by the requirements of the conversion. The parking area is clearly modern and unrelated to the historic use or fabric of the barn. While that doesn't mean that anything goes, the relatively modest wooden pergola does not seem to me to intrude harmfully into the setting of the listed barn but is more closely associated with the modern parking area and brick walls.
10. The significance of the listed building lies in its historic materials, form and relationship to the other traditional buildings. There is no discernible agricultural character to the front of the barn, both conversions now appear to be wholly domestic. Given my views on the setting of the barn, I do not think the wooden pergola causes any harm to the significance of the listed building as a whole, to its historic character or to its setting.
11. The same cannot be said for the iron gate. The plans show "metal estate fencing gates" used across the whole conversion and as I saw in front of the new build houses as well. This does give a certain sense of continuity, tying the new to the old and providing a visual reminder of the original use of the wider site. There may be other wooden gates in the area, but not, it would seem, in this specific location. The removal of the metal gate would therefore harm the character and appearance of the area. While it has no impact on the significance of the listed building or its historic character, unlike the pergola it does affect its setting, particularly because of the loss of continuity with the similar gate in front of the Threshing Barn and the other metalwork in the wider estate.
12. Before the pergola there was a short stretch of metal railings that sat inside the original brick wall beside the steps. These have been removed and replaced by the pergola. The appellant points out these were not on the original plans for the conversion and it seems were a later addition. Unlike the metal gates, they seem to have been just standard railings, and are not similar to the railings used on the rest of the estate. Unlike the gate, therefore, I do not consider

they helped with the sense of continuity and their loss does not harm the setting of the listed barn or its significance or historic character.

13. The new steps are already in place and details of the proposed handrail are on the plans submitted. Both are very minor changes or additions to the frontage of the barn and cause no harm.
14. Bringing this all together, I do not consider the pergola, steps, the proposed handrail and the loss of the metal railings harms the setting of the listed building, its historic character or the character and appearance of the area and so is in conformity with the NPPF and the Council's policies. However, the loss of the metal gate would be harmful.

Conclusions

15. The enforcement notice refers only to the pergola and the metal railings. I shall allow the appeal on ground (a) and grant planning permission for the pergola. The applications for planning permission and listed building consent are for the pergola, the steps, handrail and new wooden gate. I shall issue a split decision to exclude the gate from the permission. No conditions are required except the standard commencement for the elements that are not retrospective, and to tie the development to the submitted plans.

Simon Hand

INSPECTOR