



Appeal Decision

Site visit made on 2 November 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/B3438/F/21/3278606

The Stables and Coach House, Hales Hall, Cheadle, Staffordshire ST10 4QR

- 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 made by Natalie Leanne Madonna Wood and Gareth John Jeffrey Wood against a listed building enforcement notice issued by Staffordshire Moorlands District Council.
 - The enforcement notice was issued on 9 June 2021.
 - The contravention of listed building control alleged in the notice is:
 1. The removal of hand-made Staffordshire Blue clay tiles together with matching hip, valley and ridge tiles and the replacement with modern, machine-made Staffordshire blue, single camber, Hawkins Tiles manufactured by Marley to the roof of 'the Building'.
 2. The removal of a brick chimney stack with brick over-sailing courses and clay chimney pots to the roof of 'the Building'.
 - The requirements of the notice are:
 1. Remove all Marley Staffordshire Blue Hawkins Single Camber roof tiles.
 2. Reinstate the original hand-made Staffordshire Blue Clay tiles together with matching hip and ridge tiles to reflect the appearance and finish prior to their removal.
 3. If any of the original hand-made Staffordshire blue clay tiles together with matching hip and ridge tiles prove not to be in a fit condition, fit exact replicas.
 4. Reinstate an exact replica of the brick chimney matching original construction, flashing detail, appearance and finish. Works to include matching bricks, over-sailing course, reinstating the 2 original red clay chimney pots (or if any of the original clay pots prove not to be in a fit condition to be reused, fit exact replicas) and to reinstate chimney flue in the roof space to appearance and finish prior to removal. Brickwork to be constructed matching original joint widths and bonding using lime-rich mortar. Ensure no mortar encroaches on the exposed faces of the brickwork. Flush point and after the initial setting, and before fully dry, revisit the area of pointing and carefully beat back with a stiff bristle brush to expose the coarser aggregate and mortar is recessed by approximately 1mm behind the face of the brickwork.
 - The period for compliance with the requirements is 2 months.
 - The appeal is made on the grounds set out in section 39(1)(d) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. 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.

The appeal on ground (d)

2. This ground of appeal addresses situations where essential and urgent works were needed to preserve the listed building. The key emphasis is on the words 'essential' and 'urgent' and the 'need to preserve'. Therefore, the ground of appeal comprises three tests. The first of these is whether the works were urgently necessary in the interests of safety or health; the second is that it was not practicable to achieve the aims of safety, health or preservation of the building by repair or temporary support and the third test is that the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation. For an appeal to succeed on ground (d) all three tests must be met and the onus is on appellants to conclusively show that this is the case.
3. Under this ground it is stated that the chimney stack was in a dangerous condition with masonry falling from it and that it was unused and no longer required. In addition, it is contended that the Staffordshire blue clay tiles were in a very poor condition, porous, misshaped and were sliding from the roof and crashing to the ground below. The appellants have also stated that over half of the roof tiles were damaged with hairline cracks and missing nibs.
4. Following building inspections in November and December 2014 a Structural Condition Report set out Conclusions and Recommendations with respect to the Stables and Coach House. The report states that many roof tiles have slipped or suffered storm damage and breakage. As a priority, it was advised that an experienced roofing contractor should inspect and advise on the adequacy of tile fixing and battening and check any nail-fixing condition for corrosion and carry out repair of loose coping tiles.
5. In addition, the contractor responsible for the works that have been carried out has stated that in early 2021 he was approached to assess and quote for a new roof on the Stables and Coach House. He was informed that 75% of the roof tiles had previously been replaced and upon inspection these tiles did not match the original 300 year old tiles. He found the roof in what he describes as a severe poor condition with broken tiles that had already started to slip causing health and safety concern. Some tiles had broken the old cast iron guttering causing it to leak. Other tiles had already been replaced by concrete tiles and a considerable number of tiles were missing causing the roof to leak. Due to his experience he recommended the use of Staffordshire Blue Marley eternity tiles.
6. I can understand that slipping tiles could cause safety concerns but there is insufficient evidence put forward to indicate that the works were so urgently required to be carried out in this manner or that the steps were the minimum necessary to achieve the health and safety aims. The original Structural Conditions Report advised that it should be a priority to engage an experienced roofing contractor to undertake a number of tasks as set out, above. There is no indication that urgent works were needed to preserve the listed building. Indeed, there is no evidence before me that anything was done until early 2021 when a contractor was asked to carry out an assessment and quote for a new roof. There is no suggestion that he was asked to carry out a detailed survey of the roof or asked to consider whether other options such as repair would preserve the building. His evidence does indicate that the roof was in a poor condition and that unsuitable replacement tiles had been used, but there

is no clear evidence that the replacement of the roof was the minimum measure required to deal with health and safety concerns.

7. The works have not preserved the building. They have quite simply replaced an historic roof with modern materials. The works carried out fail all of the three tests and the appeal must fail on ground (d).

The appeal on ground (e)

8. The ground of appeal is that listed building consent ought to be granted for the works and therefore the main issue is the effect of the works on the special architectural and historic interest of the listed building.
9. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
10. Policy DC2 of the Staffordshire Moorlands Local Plan (2020) (the LP) relates to the historic environment and states that the Council will conserve and where possible enhance heritage assets in a manner appropriate to their significance. Protection will be given to designated heritage assets as set out in the National Planning Policy Framework (the Framework). Policy SS1 of the LP relates to development principles and sets out that the Council expects development to contribute positively to the social, economic and environmental improvement of Staffordshire Moorlands. This will be achieved by ensuring that, among other objectives, development is undertaken in a way that protects and enhances the natural and historic environment. The Framework states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset.
11. The appeal building dates back to the early nineteenth century and was altered in the mid eighteenth century. It is described as being constructed in red brick with a raised band at first floor level, has a hipped, tiled roof on coggled eaves band and a stack to the rear. It has a T-shaped plan. The front is two storeys with a hipped projection to the right with a range of 3-light casements. The ground floor has wedged head and keystone, the set back wing has two pairs of casements widely spaced to the first floor set over an elliptically arched carriage arch to the left with double boarded doors and stable entry to the right alongside a stable window both with segmented heads but the openings have been altered. Its relatively simple composition, use of traditional materials and design features throughout, including the roof and chimney stack, and its close association with the adjacent Hales Hall, which is a Grade II* listed building, contribute to defining the appeal building's significance.
12. The significance of a heritage asset is the sum total of its heritage values and roofs will usually be of such significance that every effort should be made to conserve them. In this case, the hand-made Staffordshire Blue clay tiles, including the hand-made ridge, hip and valley tiles, are fundamental features in terms of the building's historic fabric. The evidence before me and my own observations of historic tiles on site show subtle variations in colour, texture and shape. These are classic characteristics of historic hand-made building products and, consequently, best practice demands that original materials such

as the tiles should be re-used where possible where they remain in a suitable condition, and matching materials should be sourced to make-up for any shortfall of tiles that are not fit for use or have been lost.

13. The tiles that have been used on the roof are machine-made red clay tiles which have been sprayed blue. They are very uniform in colour, texture and shape and give a smooth and shiny finish to the roof. They are different to the previous historic tiles and the modern machine-made ridge and hip tiles provide a modern finish which is at odds with the historic form and character of the building. Consequently, the replacement roof causes harm to the significance of the listed building through the loss of historic fabric and changes to its visual appearance.
14. The appellants have stated that the chimney stack was no longer used or required but this carries very little weight in determining whether listed building consent should be granted to remove it. The stack is specifically identified in the listing and is a feature which made a positive contribution to the building's significance. As a historic stable building and coach house the feature gave evidence that heat was provided for workers using the building and contributes to understanding how the building was used and how it functioned. Consequently, the loss of the chimney has harmed the special architectural and historic interest of the listed building.
15. The Framework advises that when considering the effect of works on the significance of designated heritage assets great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration of those assets. Given the degree of harm caused by the new roofing materials and loss of the chimney stack, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works. The appellant contends that the new roof tiles are thermally efficient, but there is no evidence to support this claim. I am also aware of there being local support for the works, including from Cheadle Town Council, but the level of support does not itself amount to a public benefit. I can understand that the pandemic has had a negative impact on the appellants' business but I do not see that there is a clear link between the harmful works that have taken place and the benefits that may derived to the business.
17. Therefore, given the above, and in the absence of any clearly defined public benefit, I conclude that the works have a harmful effect on the special architectural and historic interest of the curtilage listed building. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policies DC2 and SS1of the LP. The appeal on ground (e) is dismissed.

Formal Decision

18. I dismiss the appeal and uphold the listed building enforcement notice and refuse listed building consent 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.

A A Phillips INSPECTOR