
Appeal Decision

Site visit made on 8 December 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal A - Ref: APP/W0734/W/21/3281191

Nunthorpe Hall, East Side, Nunthorpe, Middlesbrough TS7 0NP

- 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 G Dixon against the decision of Middlesbrough Borough Council.
 - The application Ref 21/0005/FUL, dated 6 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is 'remove existing external timber shed and construct new 3 bay storage and garage unit to create storage for new nursing home equipment and grounds equipment'.
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Appeal B - Ref: APP/W0734/Y/21/3281192

Nunthorpe Hall, East Side, Nunthorpe, Middlesbrough TS7 0NP

- 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 G Dixon against the decision of Middlesbrough Borough Council.
 - The application Ref 21/0006/LBC, dated 6 January 2021, was refused by notice dated 9 March 2021.
 - The works proposed are 'remove existing external timber shed and construct new 3 bay storage and garage unit to create storage for new nursing home equipment and grounds equipment'.
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Decision

1. Appeal A is dismissed.

Procedural Matters

2. The appeal scheme proposes a freestanding structure which would not be attached to the listed buildings at the site and would not bring about physical alterations to any part of them. Bearing this in mind, a listed building consent application is not required for the development as proposed; it follows that there is no valid appeal under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for determination, and therefore I shall take no further action with regard to Appeal B.
3. On my site visit, I saw that the frame of the proposed building and some block walling has already been constructed. Although I have based my consideration of the proposed scheme on the submitted plans, I have also taken what I saw of the partially constructed building into account.

Main Issues

4. The main issues are:

- the effect of the proposal on the setting of Nunthorpe Hall, which is listed grade II, together with the gates, gatepiers and crescent walls within its curtilage, which are also listed grade II; and
- whether the character or appearance of the conservation area would be preserved or enhanced.

Reasons

5. The setting of a heritage asset is defined in the National Planning Policy Framework (NPPF) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
6. Nunthorpe Hall is a manor house originally dating from c.1623. It was largely rebuilt and extended c.1800 and underwent subsequent alterations and additions. It was converted for use as a residential care home in 1951 and has remained in that use ever since. The building has a fine two storey, seven bay elevation facing the main entrance to the property. A notable feature is the decorative stone porch that projects from this façade, standing at approximately one and a half storeys. There is also a striking garden façade with an ornate central door surround. This elevation looks out over the garden, which is set slightly down from the building.
7. From the evidence before me, and my observations on site, Nunthorpe Hall is fairly secluded from public view. It is set within its own grounds, which include formal gardens and wooded areas. These surroundings speak to the high status of the building and its relative isolation from the other dwellings in the village. The grounds therefore provide a setting that contributes positively to the understanding of Nunthorpe Hall and its significance as a listed building.
8. The site of the development is adjacent to the drive that forms the main approach to Nunthorpe Hall. It is proposed to construct a new freestanding storage facility to replace an outbuilding that no longer meets the needs of the home. The new store would be constructed as a triple garage with three pairs of doors and a shallow mono-pitched roof. The walls would be finished in timber boarding, and the doors would have chevron style timber panelling to match the existing doors of the hall.
9. The new building would be partially visible on oblique views from the main entrance, and also from some parts of the garden area looking back towards the southern façade of the hall. It is therefore important that the scale and design of the new storage facility should be sympathetic to its position within the setting of Nunthorpe Hall. However, the footprint of the building would be significantly larger than the kinds of sheds or outbuildings that would normally be associated with a country house, as the hall once was. It would thus erode the sense of spaciousness that is a positive element of the setting of the hall.
10. Designed as a triple garage, the development would have a modern, utilitarian appearance that would not complement the traditional appearance of the heritage asset and the historic buildings associated with it. Whilst the

proposed timber finish would not be out of place in this location, it would not mitigate the excessive size and non-traditional form of the building.

11. Although the impact of the building would be somewhat screened by vegetation, this could not always be relied upon as the planting could be removed. In addition, grasscrete would be installed leading from the existing drive to a sizeable area in front of the development. This would serve to formalise a currently unobtrusive area, and draw greater attention to the proposed new building, taking away from the impressiveness of the main approach to Nunthorpe Hall.
12. Drawing these factors together, I conclude that the proposed development would unacceptably harm the setting of the listed building. Accordingly, conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the NPPF. In addition, the scheme would fail to comply with Policy CS4 of the Middlesbrough Local Development Plan Framework – Core Strategy (CS), insofar as it seeks to protect and enhance the historic heritage, and CS Policy CS5, which amongst other things, seeks to safeguard buildings identified as being of special historic or architectural interest.
13. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 199 of the NPPF. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The appellant contends that the new building would be essential for the safe and efficient operation of the care home. This need is based on growing demand for large and small equipment, including heavy lifting apparatus, in response to increasing care demands. Extra equipment has also been needed because of the ongoing coronavirus pandemic. He argues that the proposed design and location would be best suited to provide the required storage.
15. I acknowledge this need, and I agree with the Council's position that, in principle, a suitably designed new storage building could be located in this area of the grounds. I note that the appellant has discounted any other location within the grounds in favour of the appeal site. Therefore, there is a possibility that a suitable alternative scheme could be arrived at that would serve the needs of the home and also preserve the setting of the listed building. That being the case, a grant of permission for the appeal scheme could not be justified.
16. It is not inevitable that a more historically accurate design would end up as a pastiche. It is certainly the case that contemporary design can often work very well within historic contexts. However, for the reasons above, the appeal scheme would not achieve that aim in this particular case.
17. I note that the existing storage shed would be removed. Although this building is closer to the boundary of the site, and more readily visible from outside, it is substantially smaller than the proposed new store. Due to its small size, marginal location and more traditional form, it does not notably impinge on the

heritage assets. Therefore, its removal would not represent enough of a heritage benefit to weigh in favour of the appeal scheme.

18. I therefore find that insufficient public benefits have been identified from this specific scheme that would outweigh the harm I have found to the setting of Nunthorpe Hall. The scheme would therefore further conflict with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The gates, gatepiers and crescent walls

19. The gates, gatepiers and crescent walls at the entrance to Nunthorpe Hall are also grade II listed in their own right. Dating from 1901, these decorative structures are a later addition to the property and add greatly to the grand sense of approach to the hall. Although these listed structures are intervisible with the appeal site, they are primarily experienced from the road outside the hall complex, where extensive views of them are to be had. They are ancillary to Nunthorpe Hall and their setting is considerably more limited than that of the main house. I note that the Council have not raised any objection relating to them, and I am satisfied that the effect of the development on their setting is neutral.

The conservation area

20. The Nunthorpe and Poole Conservation Area (CA) includes the village of Nunthorpe and a number of other clusters of buildings. In addition, it encompasses a considerable area of gently undulating landscape, characterised by arable and pastoral farmland with remnants of parkland landscaping. I note that Nunthorpe Hall and its associated structures form one of three principal groups of buildings in the CA.
21. Nonetheless, the scale of the proposed development would be relatively small within the context of the wider CA. Moreover, I am satisfied that the structure would not be easily visible from public viewpoints outside the grounds of Nunthorpe Hall. To that extent, I am satisfied that the character and appearance of the CA would be preserved by the built form of the development, whose effect upon it would be neutral.

Conclusion

22. Despite my conclusion that the development would not adversely affect the CA or the setting of the gates, gatepiers and crescent walls, it would unacceptably harm the setting of Nunthorpe Hall. It would therefore conflict with the development plan as a whole, and so Appeal A should be dismissed.

Elaine Gray

INSPECTOR