



Appeal Decision

Site visit made on 4 May 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/M9496/Y/21/3286424

Wincle Church and School, Rabbit Bank/Barlow Hill, Wincle, Macclesfield, SK11 0QH

- 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 Jonathan Marsh against the decision of the Peak District National Park Authority.
 - The application Ref NP/CEC/1120/1043, dated 9 November 2020, was refused by notice dated 13 August 2021.
 - The works proposed are described as 'installation of steps in Wincle School yard adjacent to the wall between the school and the church. These will enable staff and pupils to cross the wall and join a reinforced grass path leading to the church door. There will be no alteration, extension or demolishing of any part of the listed buildings and the wall will be bridged.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the proposed works relate to a listed building, I have had special regard to sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The site is also within the Peak District National Park where paragraph 176 of the National Planning Policy Framework (the Framework) indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty in the National Park, as well as to the conservation and enhancement of wildlife and cultural heritage there.

Main Issue

4. The main issue is the effect of the proposed works on the significance of the Grade II listed buildings, Church of St Michael (Ref: 1366197), and Wincle Church of England aided primary school and attached schoolmasters house (Ref: 1136014).

Reasons

5. The Church of St Michael is built in buff coursed rubble gritstone and dates to 1882. It is a simple traditional church building characteristic of its village location and rural surroundings, with an uncomplicated appearance and an open and informally laid out verdant churchyard. It maintains an attractive rural appearance and charm which has remained unaltered over many years.
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6. From the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its simple scale and design, use of traditional materials and informal grassed churchyard which attest to its function as a place of worship and its role as part of village life.
7. Winkle Church of England primary school and attached schoolmasters house date to around 1860 and are also constructed in buff gritstone. The single storey school house has a steep pitched roof and the masters accommodation to its eastern side is two storey. Insofar as relating to this appeal, their significance as a listed building is derived from the building's historic interest as a village school building and its understated modest form and traditional design.
8. The Framework defines setting as the surroundings in which a heritage asset is experienced. The school is immediately adjacent to the church and its churchyard and they sit together in an elevated position on the north side of Rabbit Bank. As important community buildings in the small settlement they provide a focus for village life. The setting of the listed school, and the contribution it makes to its significance, in so far as it relates to this appeal, is mainly derived from its rural surroundings and close visual relationship with the adjacent church and churchyard and their historic character as described above.
9. The appeal site takes in the church and its grounds, adjoins the western part of the school's playground and shares its stone retaining boundary wall. Whilst the school is set at a lower level to the adjacent church and its churchyard, the appeal site nevertheless has a close and direct visual and functional relationship with the school and therefore contributes to that listed building's setting. I have had special regard to this matter in considering the appeal.
10. The proposal seeks to provide a set of steps and a footpath to allow pedestrian access between the school and the adjacent church. The flight of 12 freestanding metal steps with a handrail would be positioned close to the eastern side of the stone retaining wall within the school yard. They would be constructed up to the top of the wall such that it would be bridged via a raised platform which would link the stairs to the higher ground in the churchyard. From there, a new footpath which would lead across the churchyard to the south eastern corner of the church. This would be 1.2 metres wide with oak or stone kerb edgings and a bonded gravel finish. A length of around 7.2 metres of rail/balustrades would be provided within the churchyard and would be finished in black. Additionally there would be security gates at the top and bottom of the steps.
11. Whilst I appreciate that the proposed works would not result in damage to the fabric of either of the listed buildings or the boundary wall, the proposal would nevertheless introduce a significant and prominent structure to the site. The considerable bulk, modern design and use of materials of the steps along with the associated railings and balustrades would be such that the proposal would be seen as an unexpected and incongruous feature awkwardly straddling the traditional boundary wall between the two historic buildings.
12. Additionally the considerable length of railings that would have to be provided within the churchyard for safety reasons would be obvious and dominant additions to the elevated churchyard. Furthermore the proposed footpath would follow a meandering route around the gravestones in the churchyard

which is relaxed in arrangement and for the most part grassed. Whilst the path would require infill rather than excavation, due to its bonded gravel construction and definite edgings its formalised nature would be clearly visible in a precise and winding path across the churchyard.

13. Overall I consider that the proposal would be read as an unduly modern and clumsy intervention that would be appreciated as an over-dominant and distracting addition to the appeal site. It would appear directly at odds with the simple traditional unaltered form and character of the church building and its informal churchyard and stand out as an unsympathetic and alien feature there.
14. Both the church and the school are prominently located on the north side of Rabbit Bank in an elevated position. Whilst it would be set back within the site away from the road frontage, the proposal would nevertheless be visible in some closer range views from Rabbit Bank as well as in longer range views from Barlow Hill opposite the appeal site. I am not persuaded that the proposal would blend in with the surrounding gravestones or be obscured by foliage to any significant extent.
15. This being so, for the reasons given I find that the works would detract from the simplicity and traditional character of the historic church and undermine its authenticity and importance. As a result the proposal would impair the listing building's historic legibility and fail to preserve its special interest.
16. In causing this harm to the church, and in introducing unsympathetic works within the setting of the adjacent listed school, the works would also be detrimental to the setting of the listed school and diminish its contribution to the appreciation of that building. As a result, the proposed works would therefore also undermine the significance of the school as a heritage asset.
17. I therefore conclude on the main issue that the proposed works would be harmful to the significance of the two listed buildings. That they are not within a Conservation Area does not alter my view. I give this harm considerable importance and weight in the balance of this appeal.
18. The Framework advises at paragraph 199 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 200 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 consider that the harm to the listed buildings in this case would be less than substantial, but nevertheless of considerable importance and weight.
19. Paragraph 202 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.
20. The church is used regularly by the school for services, assemblies and general overspill. This can involve some 75 pupils (from the age of 2 years) and 30 parents walking in the road in front of the two buildings where there is no footpath. At these times I note that school staff control the traffic. The appellant indicates that the road is busy with no speed restrictions (other than the national speed limit) and used by lorries and farm vehicles. I also

understand that vehicles approach at speed around the corner to the west of the church, and that high levels of on-street car parking occurs at drop off, collection and assembly times. The proposed works would enable pupils and staff to reach the church without using the road, and would thereby reduce the potential for conflict between vehicles and pedestrians and improve safety. This is a public benefit of the proposal.

21. That said, I saw at my visit that in practical terms, the distance between the entrance to the school and the entrance to the churchyard is not great, and involves walking along only a short stretch of Rabbit Bank. As such, pupils and parents are not using the road for long periods of time. Additionally, whilst the appellant refers to a recent near miss involving a member of staff in the road, I have seen no substantiated evidence of any other pedestrian safety problems/incidents associated with the longstanding use of the church by the school and its pupils/parents.
22. I am also mindful that Rabbit Bank is a rural road intended for local traffic only and that some of the highway safety issues cited, such as the speed of vehicles and on-street car parking could be addressed via other legislation/measures. As such, alternative approaches to the identified problem that the appeal scheme seeks to address cannot be ruled out. These matters temper the weight that I afford to this public benefit of the proposal.
23. The proposal is supported by the Chester Diocese, and I appreciate that the church is central to the local community and entwined with the school. The proposal would help to maintain the close ties between the church and the school, and to ensure the school can continue to use the church building, with a view to increasing its use. However, notwithstanding the safety benefits outlined above, I have seen nothing to suggest that the use of the church would be reduced in the absence of the appeal scheme or that the existing ties between these two important community facilities would in any way be diminished. Nor have I seen any evidence to demonstrate that an increase in use of the church by the school in the future would necessarily be ruled out if the appeal scheme were not to succeed. As such, I afford only minimal weight to this public benefit.
24. Having regard to these matters, I therefore find that the public benefits in this case would be insufficient to outweigh the harm to the designated heritage assets that I have identified.
25. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. Whilst the decision notice refers to a number of development plan policies I am mindful that listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and so do not need to be determined in accordance with the development plan.

Other Matters

26. I am aware that the appeal scheme follows a previously refused application and that the appellant refers to favourable pre-application advice having been received. I also understand that various routes for the footpath have been considered and discounted and alternative designs and finishes for the proposal discussed. Furthermore I note that the appellant was amenable to a revised handrail design and finish. Be that as is may, no revised plans were submitted

during the Authority's consideration of the application and any such alternative schemes are not before me for consideration. I confirm that I have determined the appeal on the basis of the plans refused consent by the Authority, and have considered it on its own planning merits and made my own assessment as to its impact.

Conclusion

27. 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