



Appeal Decision

Site visit made on 2 November 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/M9496/W/22/3298693

The Moon Inn, High Street, Stoney Middleton S32 4TL

- 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 D Duroe against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0521/0574, dated 21 May 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described as: 'installation of two 6.2m diameter Yurts in the rear beer garden'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the location of the appeal site is acceptable having regard to the development plan policies; and
 - whether the proposed development would preserve or enhance the character or appearance of the Stoney Middleton Conservation Area.

Reasons

Location

3. The appeal site lies adjacent to a public house within a settlement. The Peak District National Park Development Management Policies (2019) (the DMP) sets out that forms of visitor accommodation such as yurts have the same potential for adverse landscape impacts as static caravans, chalets, or lodges. The policy therefore requires that these forms of accommodation are considered under Part B of Policy RT3 of the Peak District National Park Core Strategy (2011) (the CS). This states that static caravans, chalets, or lodges will not be permitted in the National Park.
4. Nonetheless, the DMP identifies exceptions to this through Policy DMR1. However, as the appeal site is neither in a woodland location nor close to the facilities of a farmstead, the appeal proposal does not meet any of these exceptions.
5. Whilst Policy HC4 of the CS states that the improvement of community facilities will be encouraged within settlements such as Stoney Middleton; such proposals are required to demonstrate evidence of community need. However,

although both parties indicate that the public house is a community facility, I have not been provided with any evidence of community need to satisfy this policy requirement.

6. I therefore conclude that the location of the appeal site is not acceptable having regard to the development plan policies. The proposal would conflict with Policies RT3 and HC4 of the CS and Policy DMR1 of the DMP in this regard.

Conservation Area

7. The appeal site relates to the Moon Inn public house, a prominent building located at the junction of High Street with the A623 road through Stoney Middleton. The building's rendered frontage faces onto High Street. The building has rear outriggers and appears to have been extended in this way on several occasions. The extensions fill much of the depth of the appeal site separating the car park from the beer garden. The latter is a predominantly grassed area, located at a higher ground level than the adjacent gable and rear outrigger. It is separated from High Street by a high stone wall. The road rises steeply past the site and the ground level of the beer garden is significantly higher than that of the road level. Nonetheless, due to the height of the wall, views of the beer garden are not possible from the road.
8. Due to its scale and position, the appeal building is a prominent building within the Stoney Middleton Conservation Area (the CA). There is limited information before me with regard to the significance of the CA. However, on the basis of my observations, I conclude that the significance of the CA arises in part from the variety and prevalence of traditional, predominantly stone vernacular buildings, the consistency of materials and the underlying building pattern influenced by the topography of the village.
9. The Moon Inn is an attractive period building that reinforces the significance of the CA through its traditional character, materials and position within the streetscene. The high stone boundary wall underlines the dominance of stone as a building material within the CA.
10. The National Park Authority consider the Moon Inn to be a non-designated heritage asset. This has not been disputed by the appellant. However, I have been provided with limited information with regard to the significance of this building or its setting. Nevertheless, based on what is before me and having regard to the above, I am satisfied that the heritage significance of the building is sufficient to be considered a non-designated heritage asset. As a functional enclosed space associated with the public house, the beer garden is an important part of the asset's setting and the surroundings in which it is experienced.
11. Paragraph 203 of the National Planning Policy Framework (the Framework) sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. The proposed yurts, being sizeable, somewhat cylindrical timber structures with conical felt roofs, would not be reflective of the prevailing character of stone vernacular buildings. Owing to their form and materials, the yurts would appear

discordant, being seen in close proximity to the gable and rear outrigger of the traditional public house and occupying much of the beer garden. This discordance would be exacerbated by the elevated nature of the beer garden causing the structures to appear more dominant in these views. Whilst perhaps only the conical roofs would be visible from High Street, the structures would be highly prominent from this side of the Moon Inn and would be visible from neighbouring properties. The harm to the CA and the setting of the non-designated heritage asset would be evident in all of these views.

13. The proposal would represent an incongruous form of development, at odds with the prevailing character and would adversely affect the setting of a non-designated heritage asset, to the detriment of its significance. For these reasons the proposal would fail to preserve or enhance the Stoney Middleton Conservation Area and would amount to less than substantial harm as set out in paragraph 202 of the Framework. This would be contrary to Policies GSP3 and L3 of the CS and DMP Policies DMC5 and DMH7 which seek, amongst other things, to conserve heritage assets and the cultural heritage of the National Park and provide high quality design.
14. Section 72(1) of the Act¹ requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
15. Notwithstanding the limited information in this regard, the proposal would likely support the existing business through increased revenues arising from the additional accommodation. Although it does not appear to be under threat, the continued presence of a community facility such as this is of benefit to the local community. However, based on the information before me, these moderate public benefits would not, when taken together, outweigh the harm to the character and appearance of the CA or to the setting of the non-designated heritage asset.

Conclusion

16. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.