



Appeal Decision

Site visit made on 20 March 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/M9496/W/22/3309565

Dains Mill, Roach Road, Upper Hulme, Staffordshire ST13 8TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael Jones against the decision of Peak District National Park Authority.
 - The application Ref NP/SM/0422/0514, dated 11 April 2022, was refused by notice dated 13 July 2022.
 - The application sought planning permission for change of use to residential and holiday let with external alterations without complying with a condition attached to planning permission Ref NP/SM/0321/0297, dated 15 July 2021.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plan no.s L100-P2, L103_P5, L104-P2, L105-P3, L106-P2, L109-P3, L110-P2 and L118-P3 subject to the following conditions or modifications.
 - The reason given for the condition is: For clarity and for the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council indicates that the appeal property should be considered as a non-designated heritage asset. The appellant, however, suggests that this is questionable given the extent of rebuilding that has been undertaken and due to their not being a local list of non-designated heritage assets which includes the building and has undergone consultation as part of a local plan review.
3. The National Planning Practice Guidance (PPG)¹ indicates, however, that local planning authorities may identify non-designated heritage assets as part of the decision-making process as well as through plan-making. The PPG makes it clear, whichever the process, that decisions to identify non-designated heritage assets should be based on sound evidence.
4. The evidence shows that that the building has undergone partial reconstruction following the grant of planning permission in 2004, and that aspects of such work may not have followed conservation principles. This reduces the architectural and archaeological significance of the building. Nonetheless, the information indicates that the appeal property is a carefully reconstructed early example of a traditional type of corn mill dating back to the early 17th Century, and that it is of great local, historical interest. The evidence before me,

¹ Paragraph: 040 Reference ID: 18a-040-20190723

therefore, strongly suggests that the appeal property should be treated as a non-designated heritage asset, and I have done so in reaching my decision.

Background and Main Issue

5. In 2021 planning permission was granted, subject to a number of conditions, for the change of use of the building to residential and holiday let with external alterations. This followed the restoration of the building in 2004. The planning permission included condition 2 which specified the approved plans. The current proposal seeks removal of condition 2 and its replacement with a condition specifying the plans that reflect an amended design to facilitate the addition of a balcony and the erection of new fencing along the front boundary.
6. The appellant has set out two reasons for the introduction of the balcony. Firstly, to provide additional amenity space and secondly to allow the outward opening of balcony doors which would not be possible with the Juliette balcony detail as approved.
7. The Council consider that the condition remains necessary, citing that the proposed amendments to the approved plans would cause harm to the significance of the non-designated heritage asset.
8. Having regard to the appeal submissions, the main issue is the effect that varying the condition would have on the character and appearance of the host property, a non-designated heritage asset.

Reasons

9. The appeal site is located outside of the hamlet of Upper Hulme situated in the open countryside adjacent to an associated drying store. The appeal building is a two-storey former water-powered corn mill constructed from natural stone with a pitched roof. It sits on a sloping site with the first floor lower than the ground level at the rear where a mill pond is located. The planning permission included some fenestration alterations along with the change of use.
10. Paragraph 197 of the National Planning Policy Framework requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In addition, account is to be taken of the desirability of development making a positive contribution to local character and distinctiveness. Paragraph 203 says 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.
11. The significance of the appeal building is derived from its architectural and historic character as a carefully restored 17th century corn mill with a fully functioning waterwheel and mill pond.
12. The amended plans show the replacement of the approved Juliette balcony on the front elevation with an industrial style balcony, and the erection of new fencing along the front boundary. The Council have raised no objections to the fencing and from my observations I consider that it is acceptable.

13. The information before me does not suggest that the building has never had a balcony on the front elevation and indicates that cast iron supporting columns, as proposed, were commonly used internally rather than externally. The balcony would be set within the recess on the front façade of the building, nonetheless it would extend along a significant proportion of the front elevation. The size of the balcony would dominate and detract from the simple appearance of the building, albeit that the amount of amenity space it provides is small. Overall, the balcony would harm the character and appearance of the host building, thereby harming the significance of the non-designated heritage asset.
14. The reasons given for the balcony are to provide amenity space for the use in association with the occupation of the building, and to enable the balcony doors to be opened outwards as inward opening doors would require alteration and damage to the floor, and a reduction in the amount of internal space.
15. Condition 4 of the planning permission restricts the amount of garden space to the rear of the building to a modest area. The appellant argues that such a garden space is insufficient for the permitted five-bedroom dwelling in a countryside location. The Council, however, indicated that they might support a larger garden area at the rear subject to careful consideration of the position, size and boundary treatment. Such a larger area is not before me, however.
16. The balcony would provide a small, and no doubt well used, amount of amenity space. The Council, however, indicate that subject to careful consideration of the position, size and choice of boundary treatment a larger area could be provided without harm to the setting of the building including the mill pond. Based on my observations of the site, and in the absence of any substantive evidence demonstrating a larger garden than permitted is not feasible, I agree.
17. It has not, therefore been demonstrated that the balcony is the only option that would provide additional amenity space for use in association with the residential occupation of the building. It therefore adds limited weight in favour of the scheme. Whilst I note that a further application would be required to secure such a larger garden area this is not a matter to which I can attribute weight in my decision.
18. It has been demonstrated that inward opening doors requires alterations to the fabric of the building, involving the removal of reclaimed floorboards which adds character, and would reduce the amount of internal space in the bedroom. The appellant also suggests that the minimum size of the internal landing required to enable the balcony doors to open inwards, and to accord with Building Regulations, would create a hazard within the room. Furthermore, I acknowledge that originally there were outward opening doors which the proposals reflect, and that non-opening window would require the approval of amended plans. However, whilst I accept all these points, they do not outweigh the harm that I have found.
19. Notwithstanding the representations from interested parties in support of the proposal, I find that there are no clear benefits that would outweigh the harm that I have identified to the significance of this non-designated heritage asset.
20. Consequently, varying the condition as proposed would harm the character and appearance of the host property, a non-designated heritage asset. Accordingly,

there would be conflict with Policies GSP3 and L3 of the Core Strategy² and Policies DMC3, DMC5, DMC10, DMH7 and DMC10 of Development Management document³. Such policies seek to ensure development respects, conserves and enhances all valued characteristics of the site and buildings and avoids harm to heritage assets. Furthermore, it would be contrary to advice in the Supplementary Planning Documents⁴ which aim to ensure that any new use respects the original character, appearance and setting of non-designated heritage assets and support good design that responds well to its surroundings.

Conclusion

21. The development conflicts with the development plan when considered as a whole. There are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

22. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR

² Peak District National Park Local Development Framework - Core Strategy Development Plan Document (Adopted October 2011)

³ Peak District National Park Development Management Policies – Part 2 of the Local Plan for the Peak District National Park (Adopted May 2019)

⁴ *Conversion of Historic Buildings* Supplementary Planning Document and *Alterations and Extensions* Detailed Design Guide Supplementary Planning Documents