



Appeal Decision

Site visit made on 3 May 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 MAY 2023

Appeal Ref: APP/A3010/Y/22/3307029

Greendale Oak Public House, Budby Road, Cuckney, NG20 9NQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Everards Brewery against the decision of Bassetlaw District Council.
 - The application Ref 21/00308/LBC is dated 1 March 2021.
 - The works proposed are described as 'erection of illuminated and non-illuminated signs to the exterior of the building'.
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Decision

1. The appeal is allowed, and listed building consent is granted for 'erection of illuminated and non-illuminated signs to the exterior of the building' at Greendale Oak Public House, Budby Road, Cuckney, NG20 9NQ, in accordance with the terms of the application Ref 21/00308/LBC, dated 1 March 2021, subject to the conditions set out in Annex A.

Procedural Matters and Background

2. Although it appears that an application for advertisement consent for the proposed works was considered by the Council at the same time as the application for listed building consent, there is no advertisement appeal before me.
3. The appellant has provided amended plans as part of the appeal. I am mindful that if an appellant thinks that amending their application will overcome the local planning authority's reasons for refusal, they should normally make a new planning application. The appeal process should not be used to evolve a scheme and it is important that what I consider is essentially the same scheme that was considered by the Council and interested parties at application stage.
4. That said, the scheme was revised during the Council's consideration of the application to omit some elements of the proposed works. Plans dated 7.4.21 were provided, as well as further amendments to these. These have been submitted as part of the appeal (Planning 2 amended 13.09.22) and the Council has confirmed that these were considered by the Conservation Officer and in its appeal statement (referred to as 21-00308 LBA Amended Plans which are in annotated form but include the same changes as those on the drawings dated 13.09.22). On this basis, and with the 'Wheatcroft Principles'¹ in mind I have taken these amended plans into account as part of this appeal.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

5. There are already a number of signs and lighting in place on the appeal building which would be replaced by the appeal works. The Council refers to some of these as being unauthorised. However, I understand that a number of advertisements and lights were granted advertisement consent² (but not listed building consent) in 2015. Whilst I do not have any details relating to that consent, the appellant indicates that a split decision was issued which refused trough lighting to the fascia sign only. The Council does not dispute this matter. The Council has provided a copy of the refusal of the listed building consent³ at that time and the plans associated with that decision. The reason for refusal concerns the trough light to the fascia sign only. I have had regard to this background in my consideration of the appeal.
6. The appeal is against a failure of the Council to give notice of its decision within the prescribed period. The Council's statement indicates that the proposed works would cause harm to the host building, which is Grade II listed, to the Conservation Area and to the settings of nearby listed buildings. This, and the other evidence submitted, has led to my identification of the main issues in this case as set out below.
7. Since the proposed works are in a conservation area and relate to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

8. The main issues are:
 - whether the proposed works would preserve a grade II listed building, The Greendale Oak Inn (Ref: 1045708) and any of the features of special architectural or historic interest that it possesses; and
 - whether the proposed works would preserve or enhance the character or appearance of the Cuckney Conservation Area, and whether they would preserve the settings of nearby listed buildings.

Reasons

The listed building, the conservation area, and the settings of the listed buildings

9. The appeal building is a public house dating to the late 18th and early 19th century. The 18th century part is three storeys and built of dressed coursed rubble with a pantile roof. The building has a two-storey 19th century rendered element with hipped tiled roof which projects over the eaves and is supported on wooden brackets. The building also has 19th and 20th century extensions and outbuildings to the rear.
10. The building has undergone some alterations and displays a number of modern signs and lighting as referred to above. Despite these, it retains its traditional form, pleasing proportions, and historic architectural features and materials. In particular it remains an attractive example of a village pub in a pleasant countryside location. As a consequence, its historic form is clearly legible, and the building maintains its traditional character and charm. It is appreciated as a building of some importance in the village and occupies a prominent position on the corner of Budby Road and Norton Lane at the entrance to Cuckney.

² 14/00897/ADV

³ 14/01025/LBA

11. From the listing description and the other evidence before me, insofar as it relates to this appeal, I find that the special interest of the listed building is drawn from its age and distinctive traditional form, as well as from its historic fabric and architectural features. All these elements are important overall to the special interest of the building in terms of this appeal.
12. The appeal building is within the Cuckney Conservation Area which covers the linear form of the rural settlement. This is described in the Conservation Area Designation Statement as a neat, well built, pleasant village on the river Poulter. It includes a number of historic buildings some of which are listed. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality of historic buildings there, the use of traditional materials, and the long-established historic village townscape.
13. Budby Road at its junction with Norton Lane is at the eastern end of the village where the appeal building occupies a prominent corner position at the entrance to the village. It has an imposing presence close to the back edge of the pavement and is a key feature of this part of the conservation area. Thus, the appeal building contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.
14. Turning to the nearby listed buildings, the Church of St Mary is a Grade I listed church (Ref: 1206551) on Norton Lane just to the north of the appeal building. This impressive parish church is set in an extensive churchyard and dates to the 12th, 13th, 15th and 16th century. It is built in dressed coursed rubble and ashlar with some brick and slate roof. Greendale Cottage is Grade II listed (Ref: 1045709) and is located on Budby Road directly opposite the appeal building. This is a mid 18th century two storey rendered cottage with a pantile roof. The Ulvers is also Grade II listed (Ref: 1370091) and located on the east side of Budby Road close to the appeal building. This is a late 18th century two storey rendered house.
15. Together with the appeal building, these listed buildings form a loose collection of historic buildings at the eastern end of the village. Despite their different ages, and accepting that they all have their own particular features of interest and significance, there is a cohesiveness to this small concentration of traditional buildings.
16. The significance of these buildings, insofar as relating to this appeal, is derived from their historic interest, traditional appearance and relationship with each other in the village townscape which collectively provide evidence of the role of the settlement and its historic development. The settings of these buildings, and the contribution they make to the significance of those assets, insofar as they relate to this appeal, is derived from the traditional historic townscape of this part of Cuckney.
17. The National Planning Policy Framework (The Framework) defines setting as the surroundings in which a heritage asset is experienced. The collection of listed buildings described are close to the appeal building and there is inter-visibility to varying extents between them and the appeal building. Furthermore, some contextual views of the nearby listed buildings include the appeal building. I find that the settings of these buildings, in so far as they relate to this appeal, to be primarily associated with the historic importance of the historic village townscape and the traditional buildings that it consists of.

This contributes positively to their understanding and the special interest and significance of those buildings along with the ability to appreciate them. I have had special regard to this matter in considering the appeal.

The effect of the proposed works

18. As set out above, there are a number of existing signs and lighting to the building. The proposed works concern the replacement of a number of these as well as the addition and removal of others.
19. Proposed Sign A is a timber fascia sign to the front south facing elevation. Whilst it would be large, it would replace an existing aluminium fascia sign there. Although the Council indicates that the existing sign doesn't appear to be authorised, the appellant regards it to have the benefit of advertisement consent granted in 2015. The Council does not dispute this.
20. Although a trough light to Sign A was originally proposed, this is omitted from the amended plans. There is other signage on this part of the building, notably a pictorial sign immediately above the fascia sign. However even in combination, these signs are not unduly large or dominating. They are well spaced, sit comfortably on the building's front elevation and respect the pattern of fenestration there. In this context I am not persuaded that Sign A would add unduly to the existing clutter and proliferation of signs to the building's front elevation. I also find that the use of timber instead of aluminium (as is the case for the existing sign), would be more in keeping with the traditional materials and character of the host building.
21. Sign B would see the existing aluminium and vinyl double sided pictorial hanging sign to the building's eastern side elevation replaced with a timber hanging sign of a similar design. Again, the appellant regards the existing sign to have advertisement consent and the Council does not dispute this. Whilst the Council welcomes the proposed new materials, it is concerned about the sign's size. Although it accepts that a hanging sign has been in situ for a number of years, the Council considers that prior to the display of the existing sign these were smaller.
22. Be that as it may, proposed Sign B would be relatively modest in size and commensurate in scale with the existing sign. It would also see the use of traditional materials rather than aluminium as is currently the case. Whilst the Council also cites a lack of information regarding the sign's fittings and illumination, these are indicated on the submitted plans. The use of the existing brackets and external LED light brackets to each side of the sign are shown. I am content that these details are adequate and see no reason why they would not be appropriate on the listed building.
23. Signs C1 and C2 concern sign written housename/logo details to the western gable end of the building, and the north facing rear elevation of the two-storey aspect of the building respectively. Sign E concerns a similar sign written housename to the front elevation of the two-storey element of the building. These would be painted in grey and brown and would replace similar existing details. The Council accepts that various signs have been in place in these locations for a number of years and raises no objections but seeks details of the proposed paint type and colour. The appellant confirms that this would be DH Olive Tree. This is shown on the submitted plans and I am satisfied that it would be in-keeping with the host building.

24. Sign F concerns an aluminium history board with vinyl text to the front elevation of the two-storey aspect of the building. This would replace an existing board there and would be the same size and in the same location. Whilst the Council objects to the use of aluminium and seeks the use of timber as an alternative, I am mindful that this is a replacement for an existing sign which the appellant considers to have advertisement consent (again, this is not disputed by the Council). This being so, I am not convinced that the use of materials as sought would worsen the existing situation or could be reasonably resisted.
25. Sign G seeks an aluminium and vinyl disclaimer sign relating to the play area. This would replace an existing sign on the west facing gable of the rear part of the building facing the car park. The Council objects to the use of materials and consider the sign should be made of painted timber. However, it would be modest in size and discreetly located to the rear of the building on one of the building's single storey rear elements. This being so, I am not persuaded that the materials proposed would be inappropriate or that the sign would cause any harm to the special interest of the building.
26. Sign H concerns four new aluminium and acrylic lanterns with black wrought iron brackets. These would be positioned to either side of the building's side and rear entrances. They would replace a larger existing central lantern to the side elevation and small lights fixed to the timber porch posts to the rear elevation. The Council raises no objections to the location, design, or scale of these but objects to the use of acrylic as a non-traditional material. However, the appellant confirms in the submitted correspondence that the lanterns would be made of metal with acrylic glazing panels, and this is shown on the plans.
27. Sign J relates to various floodlights to the building. Two floodlights would be provided at eaves level to the building's three storey stone front elevation in order to provide architectural lighting. A further floodlight would be provided to the two-storey rendered element of the building on this elevation in order to illuminate Sign E. To the flank elevation facing Norton Lane there would be three high level floodlights to provide lighting to the building and to the footpath below. Additionally, there would be two floodlights on the rear elevation to illuminate sign C2. To the western tall gable end elevation two floodlights would be positioned at high level in order to illuminate Sign C1.
28. The parties disagree as to how many of the existing floodlights have consent/approval. Even so, based on the evidence provided, it seems to me that the proposed works would see a reduction in lighting in relation to the existing situation, and would constitute only a small increase in the number of floodlights in comparison to those granted advertisement consent in 2015. In this context and given their relatively limited number and siting across the considerable building and its various elevations, I am not convinced that the proposed works in relation to Sign J would appear unnecessary or excessive, or that they would give rise to any undue increase in visual clutter or glare.
29. Bringing matters together, and taking all the above factors into account, I find that the proposed works would for the most part align with the signs and lighting previously given advertisement consent. Furthermore, in reverting to traditional materials in the case of Signs A and B, the proposed works would see an enhancement. In this context, for the reasons given, I am not persuaded that the proposed works would result in any additional visual clutter

to the building. I am also content that the use of materials and methods of illumination would be appropriate. Thus, I find that the proposed works overall would be sympathetic to the traditional form and character of the historic building, would respect its historic fabric and architectural features, and as a result would maintain its authenticity and legibility.

30. I therefore conclude on the first main issue that the proposed works would preserve the special interest of the appeal building. Accordingly in terms of the second main issue, it follows that they would cause no harm to the long-established historic village townscape of Cuckney and so would also preserve the character or appearance of the conservation area, as well as the settings of the nearby listed buildings. The proposed works would align with Policy DM8 of the Bassetlaw Core Strategy which states that there will be a presumption against development, alteration, advertising or demolition that will be detrimental to the significance of a heritage asset. They would also satisfy the requirements of the Act and align with paragraph 197 of the Framework.

Other Matters

31. The appellant refers to the Council's handling of the application, including delays, missing information, and a lack of responsiveness and poor customer service. I have had regard to the correspondence submitted and appreciate that the appellant has tried to resolve matters with the Council before lodging an appeal against non-determination. However, there is no costs application before me, and these are matters between the appellant and the Council. I confirm that I have considered the proposed works on their own merits and made my own assessment as to their impact.

Conclusion

32. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be allowed and listed building consent granted.
33. The Council has suggested a number of conditions which I have considered in light of the advice in the Framework. This establishes that conditions should be necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable in all other respects.
34. I have imposed the standard time limit condition in the interest of clarity. As the plans have been revised since the application was submitted, in the interests of certainty, I have attached a condition which refers to the amended plans as considered in this decision. Additionally, I have imposed a condition relating to the fixings of the signs as suggested by the Council. This is required to preserve the significance of the building. I have amended the Council's wording in the interests of clarity and precision.

E Worthington

INSPECTOR

Annex A

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan
Set of Drawings titled The Greendale Oak, Mansfield, Everards, 7.4.21
16546-Planning 2 (DD Amend 13.09.22)
- 3) The fixings of the signs hereby permitted shall be non-ferrous and located into the mortar joints and not the face of the stone/brickwork where practicable.