

Appeal Decisions

Hearing Held on 23 May 2023

Site visit made on 24 May 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal A Ref: APP/L3245/W/23/3316833

The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- 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 C/o Savills against the decision of Shropshire Council.
 - The application Ref 22/02338/FUL, dated 17 May 2022, was refused by notice dated 8 September 2022.
 - The development proposed is the Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
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Appeal B Ref: APP/L3245/W/23/3316832

The Mill, Clee St Margaret, Craven Arms, Ludlow, Shropshire SY7 9DT

- 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 C/o Savills against the decision of Shropshire Council.
 - The application Ref 22/02339/LBC, dated 17 May 2022, was refused by notice dated 12 September 2022.
 - The works proposed are The Conversion & Extension to the Mill House, the Conversion of the Bakehouse to an Annexe - change of use, the Restoration of the Corn Mill to working order, the installation of a Bat House and associated external works.
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Decisions

1. **Appeal A-** the appeal is dismissed.
2. **Appeal B-** the appeal is dismissed.

Application for costs

3. At the Hearing an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

4. The decision notices refer to the setting of the Clee St. Margaret Conservation Area. However, the Council confirmed at the Hearing that the site is within the Conservation Area and the proposal should therefore be considered accordingly. I have considered the appeals on this basis.
5. The appeals concern works and development at a historic mill complex that includes three separate buildings that together comprise the Grade II listed building: 'Mill House, Mill building and Bakehouse' (List Entry

Number:1470405) (the listed mill complex), situated within the Clee St. Margaret Conservation Area (CA). In making my decisions I have borne in mind my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

6. These appeal decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of both regimes is different, and the main issues identified below relate to either planning appeal (Appeal A) or the listed building appeal (Appeal B) or both. To reduce repetition and the avoidance of doubt I have dealt with both appeals together within this single decision letter.
7. At the Hearing the Council advised that the emerging Shropshire Plan is still in preparation and there are no emerging policies within it that carry weight at this time. This is confirmed in the Statement of Common Ground¹.

Main Issues

8. The main issues in both appeals are whether the proposed works and development would preserve the Grade II listed building or its setting or any features of special architectural or historic interest that it possesses, and whether the character or appearance of the Clee St Margaret Conservation Area would be preserved or enhanced.

Reasons

9. Located on the north side of the Clee Brook, the listed mill complex includes a Mill House, water-powered Corn Mill and Bakehouse, which are arranged loosely around a central yard/open courtyard. The gable ends of the Mill House and Bakehouse form a gateway into the site from the road with the former Corn Mill situated at the far end of the yard, which terminates the view into the site from the road.
10. The listed mill complex was first added to the statutory list in 2020 and benefits from a relatively extensive official list entry that details reasons for its designation. According to the summary of the site's history, a mill was first recorded in 1086 although the extant buildings are all around 18th century in date.
11. The individual buildings that make up the complex as an entity are distinguishable for their individual scale and features that are telling of their historic function and integration within the local topography and stream-side setting.
12. The former Mill House is constructed of roughly coursed red sandstone with a clay tile roof, in a rectangular plan form and narrow footprint. It is cut into higher ground behind, so that the rear elevation of the house reads as being single storey plus attic. While in contrast, its courtyard frontage has a below ground opening to a cellar and a raised central front door is accessed by stairs. A later 19th century barn and pigsty abuts the north-west gable end of the house. At roof level, the house features two, possibly 19th century dormers, to the front. The rear elevation is characteristically simple, featuring a very small cat-slide dormer just above the eaves and a

¹ Paragraph 7.2

substantial stone chimney with brick upper stack in an otherwise unbroken roof.

13. Internally, the Mill House is narrow with a room on either side of a central passage that contains a staircase and studwork. At first floor level there is one bedroom served by a dormer and a second has been partitioned to create a small bathroom and rear bedroom. The attached barn and pigsty are both accessed from the front.
14. The former Corn Mill is the tallest structure within the listed mill complex, being two storeys plus a storage attic under a pitched clay tiled roof. It features a lean-to and wide opening and smaller upper storey window facing towards the yard. The building is dug into the bank to the north², behind which is the former millpond and the emanating stream and the discernible alignment to the mill brook provides legibility of its historic use and function. The list description identifies three floors of the building, including the likely storage use of the attic to feed the gravity led milling below. Although the water wheel, wheel pit and the water connection no longer exist, some elements of the former mill workings and its timber roof structures survive.
15. The former Bakehouse is single storey stone built with a pitched slate roof and a two room rectangular plan form. Each room has an external door and window; and one features a substantial free standing bread oven and gable end chimney.
16. Notwithstanding the lack of use and dilapidated state, I consider that the significance and special interest of the Grade II listed building as an entity is derived principally from its preservation as a rural mill complex, the surviving historic fabric and vernacular form of the buildings. The use of local materials, modest scale and simple features inform the historic function and interrelated nature of the listed building and its authenticity as a small-scale place of flour and bread production.
17. Remnants of the listed building's historic grounds, the yard spaces between the buildings, the brook and the former mill pond, which is evidential in extent but is partially overgrown, are all part of the listed building's setting that enable appreciation of its historic origins and links to the water and agrarian surroundings, which contributes also to its overall significance and special interest.
18. The Clee St. Margaret Conservation Area (CA) was designated in 1994 and encapsulates the small rural settlement of the same name. The CA designation includes the cluster of vernacular buildings fronting narrow lanes mainly to the south and east in the vicinity of St Margaret's Church. Like many historic villages in largely rural areas, Clee St Margaret thins out towards its edges and the CA's northern boundary partly follows the line of the Clee Brook, beyond which lies rolling countryside.
19. The significance and special interest of the CA is underpinned by its historic origins and evolution as a small rural settlement that evolved close to the Clee Brook. The character and appearance of the CA as a whole is evident by the quality and range of traditional buildings that are representative of the local vernacular in their materials including red sandstone, timber

² Cross sections in existing plans and cover photo of 2021 survey

framing, weather boarding and clay tile roofs. The historic use, layout and relationship between buildings within the CA is of interest and contributes positively to the character and appearance of the CA as a whole. So too does its landscape context, to which undeveloped green spaces, proximity to the Clee Brook and views out to the surrounding countryside all contribute.

20. The appeal site is situated at the northern boundary of the CA, where it follows the course of the Clee Brook. The appeal site's location away from the core of the settlement but close to the brook, together with the relatively large Bakehouse, is telling of its historic use and function as a place of small-scale industry at the settlement edge.
21. The simple, vernacular form of the buildings on the appeal site, their age and material treatment correspond with other traditional buildings in the CA, underscoring its cohesive character and appearance. Ostensibly a mill was recorded in the area as early as 1086, and although not proven to have been on the appeal site, the extant mill complex is long standing and is a valuable component in the social and historic evolution of the settlement over many centuries. As such the former mill complex makes a positive contribution to the CA, both in terms of the legibility of the former function and legibility as a relatively intact historic mill group as well as their simple vernacular architecture and form of the individual buildings. Therefore, the appeal site is of value to the character and appearance of the CA as a whole and contributes to its significance and special interest.
22. The proposed works and development include the conversion and extension to the former Mill House, conversion of the Bakehouse to ancillary accommodation, restoration of the Corn Mill, as well as instillation of a 'bat house'.
23. The largest element of the proposal is the extension to the rear of the Mill House that would effectively be in several parts. The primary part would have a parallel ridge to the main house linked by an intervening flat roof and weatherboarded/glazed link.
24. Internal works include the insertion of various partitions to facilitate creation of two en-suite bedrooms at first floor level. Within the attached barn element, a master bedroom/bathroom would be inserted at ground floor level and a new stairway inserted up to a first-floor lounge. Three new openings would be created within the rear elevation through to a connecting corridor within the proposed flat roof link extension. While at ground floor level, the rear wall of the former pigsty would be removed, and a utility room inserted. The proposal also includes retention of the existing chimneys, the replacement of the roof and gutters, replacement shutters, doors and windows on a like for like basis.
25. The submitted block plan demonstrates that the proposed extension to the former Mill House would be substantial and would be approximately double the existing building's footprint. Whilst the extension would be in parallel, it would protrude beyond the existing building on its western end and its ridge would reach well above the existing pigsty. The proposal also involves some demolition of parts of the pigsty, which even if in poor condition, would result in a loss of historic fabric.

26. A weatherboarded/glazed link would delineate between the old and new elements of the former Mill House, while the extension would also cut into the ground so that its external height would appear as single storey. The proposals would largely concentrate new interventions to the rear, leaving its yard-facing frontage relatively unaltered. However, the overall scale and extent of the proposed extension would virtually obscure the extant rear elevation, including the stone base of the chimney stack and roofline. The proposal would introduce a boxy flat roof element, pitched-roof dormers and a 'bridge' entrance that collectively, would be wholly out of place with the simplicity of the building's existing rear elevation.
27. Whilst the proposed materials within the extension would be perceived as lightweight, the link element would feature two large, glazed openings within its road-side elevation. Whether or not readily apparent from the road, the expanse of flat roof and modern glazing would be a stark departure from the muted and weathered walls and roof of the existing Mill House building, and the modest size of its fenestration. Likewise, the elevation would have a projecting Juliet balcony, doorway and dormers, which would collectively appear fussy and out of context with the simplicity of the existing building.
28. Fundamentally, the proposal would result in a substantial departure away from the extant former Mill House's modest proportions and narrow footprint and create development in depth which would undermine the characteristic linearity and plan form of the existing building. While noting the intention to improve circulation with minimum loss of fabric, the integrity of the existing circulation would be completely undermined through the creation of new entrances, corridors and staircases. There would also be a re-ordering of the rear of the building competing with the primary yard-facing frontage. Overall, the proposals would undermine the special architectural and historic interest of the listed building.
29. It is also proposed to convert the former Bakehouse to facilitate its use as ancillary residential accommodation. Internally a new opening would be created connecting the two currently separate rooms; one side of which would be converted into a bedroom with wet room and the other side a kitchen and sitting room. Externally new steps and a low wall are proposed up to the front and side entrance doors. Both entrances would have new doors, which would be simple timber boarding within existing openings.
30. Inside the Bakehouse a new sliding internal door is proposed and a new opening within the existing dividing wall. However, the opening would be modest, and the plan form of the building would still be evident. A new wet room would be formed, which would be small so that together with a perceived lightweight opaque glass screen, in a corner, would avoid harm to the internal floorplan. The floorplans show that the bread oven would remain in situ. Overall, the proposals for the Bakehouse would be modest in scale and sympathetic to this element of the listed building.
31. Within the former Corn Mill, the proposals include replacement of the roof, gutters, shutters, doors and windows on a like-for-like basis as well as the installation of a new wheel, water tray and associated workings. The proposed site layout states the Corn Mill is: 'to be restored to working order'. The works to the Mill would also include new supporting steel work, a reinforced floor and re-building of walls, as well as an internal bat roost.

32. I note that Historic Buildings & Places have expressed concerns about the potential extent of loss of historic fabric within the former Corn Mill. However, I am satisfied that appropriately worded conditions could secure a necessary survey and a written scheme of investigation to minimise loss of fabric, so as to ensure that this particular element of the proposals would not cause harm.
33. Within the wider site a free-standing 'bat house' (roost), which would have timber boarding and clay tiled roof, with a 5 x 5m floor area and 6m height³, would be located to the west side of the former Corn Mill. The proposed bat house would be large scale and closely sited which would disrupt and detract from the integrity of the three buildings and their relationship to one another.
34. The proposal also includes the reinstatement of the former mill pond, which is evidential in extent but is partially overgrown. It is also proposed to introduce a new access point into the appeal site from further north along the road, with a hard-surfaced driveway, parking and turning area to the rear of the former mill house. While the reinstatement of the mill pond would be sensitive, the hard texture of the driveway and presence of cars would detract from the mill pond and intrude upon its relationship with the existing mill buildings and the undeveloped spaces between them.
35. In addition, the new car parking and access would be in close proximity to the mill pond, thereby reducing the extent of verdant grounds. Consequently, the proposals would detract from the setting of the listed building, undermining an aspect of its significance and special interest.
36. In respect of the CA, the proposals would weaken the integrity of a valuable component in the social and historic evolution of the settlement. The simple vernacular architecture of the former mill complex would be eroded. The impact of the proposal would be readily apparent from the road at the point of the new access. Consequently, the proposals would be detrimental to the character and appearance of the CA as a whole.
37. Taking all these points together, I consider that the proposed works and development would fail to preserve either the setting or special architectural or historic interest of the Grade II listed building; and would fail to preserve or enhance the character or appearance of the conservation area. Consequently, the proposals would be contrary to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
38. Bearing in mind the scale and nature of the proposals the impact would be localised on the listed building and CA as a whole, I consider that the degree of harm would be less than substantial, which carries considerable importance and weight.
39. Paragraph 200 of the Framework establishes that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
40. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of

³ Annotation to bat house elevation

the proposal including, where appropriate securing its optimum viable use. This is considered below.

Heritage and Planning Balances

41. The extant mill complex is disused and the various structures are in varying states of disrepair and deterioration. This is not in dispute. The re-use of the buildings would bring back an active use to the former mill complex, and investment into the fabric, and halting further deterioration of the heritage asset, which would be of wider public benefit.
42. The proposed restoration of the former Corn Mill to working order would reintroduce its original function and, together with the reinstatement of the former mill pond, would be elements of the scheme that would better reveal the significance of the heritage asset and be of public benefit.
43. There are other public benefits associated with the re-occupation of the dwelling, and those to the economy during the construction phase and future occupiers, including of the ancillary accommodation within the bakehouse, feeding into the local economy.
44. The proposal would create circulation space within the new building's footprint, which is not possible with the existing, whilst minimising the creation of new openings. Nevertheless, the proposed footprint of the Mill House would virtually double the existing whilst also resulting in the material loss of fabric, plan form and eroding of the verdant grounds and setting to the rear. The scale and size of the proposal have not been compellingly justified to achieve an active use, extension and restoration and the wider public benefits, whilst causing the minimum level of harm. Consequently, this reduces the weight of public benefits the proposals would realise to a moderate level.
45. It is also laudable that the proposals would use materials and measures intended to reduce carbon emissions, however, these would be expected of any such scheme and could feasibly be adopted without the level of harm identified. There are also aspects of the scheme that would not cause harm to significance, such as the changes to the former bakehouse, which would be small and sensitive and allow for its use as ancillary residential accommodation. Additionally, there would be no harm in respect of archaeology, highway safety, flood risk, living conditions, or the landscape character or setting of the AONB. However, these would be neutral in the overall heritage and planning balances and not expressly of public benefit.
46. On the other hand, the proposals would fail to preserve the special interest of the Grade II listed building and the CA. Even though the harm to each would be less than substantial, this would be permanent.
47. Drawing all of this together, I conclude that the sum public benefits would not be of sufficient weight to outweigh the harm identified in this case and the considerable importance and weight this carries. Therefore, the proposals would be in conflict with the historic environment protection policies of the Framework.
48. The proposals would also conflict with Shropshire Council Adopted Core Strategy Policies CS6 and CS17, insofar as they require development to protect and enhance the high quality and local character of Shropshire's

historic environment; and that development will be designed to a high quality which respects and enhances local distinctiveness. There would also be conflict with Policies MD2, MD7, MD13 and MD17 of the Site Allocations and Management of Development insofar as they seek to ensure that design is in keeping with the character of the area; and expect traditional rural buildings to normally be converted in their present form without significant alteration or reconstruction; and ensure Shropshire's heritage assets will be protected, sympathetically enhanced and restored.

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. In respect of Appeal A, the proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusions to both appeals

50. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

John Longmuir

INSPECTOR

Appearances

For the Council

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