



Appeal Decision

Site visit made on 10 November 2023

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/P2935/C/23/3323453

The Percy Arms, Main Road, Chatton, Northumberland, NE66 5PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Inn Hospitality Group Limited against an enforcement notice issued by Northumberland County Council.
- The notice was issued on 4 May 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, erection of decking within the car parking area of the land.
- The requirements of the notice are to: (i) Remove the decking and reopen the access from the front car park to the rear car park. (ii) Remove from the land all the materials and rubble arising from compliance with the requirement of (i) above and restore the land to its condition before the breach took place.
- The periods for compliance with the requirements are: (i) 8 weeks. (ii) 10 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice be amended by:
 - the deletion of the text 'and reopen the access from the front car park to the rear car park' from clause (i) of the requirements paragraph; and
 - the deletion of the text '(i) 8 weeks. (ii) 10 weeks.' from the compliance period paragraph, and its substitution with the text: 'Six months.'
2. The appeal is dismissed, the deemed planning application is refused, and the enforcement notice, as amended, is upheld.

The appeal on ground (a) and the deemed planning application

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Chatton Conservation Area.

Reasons

Background

4. Previously, a planning application, ref: 21/04958/FUL, was submitted for decking and four huts used for outdoor dining at the appeal site. The application was refused and was subsequently dismissed at appeal, ref: APP/P2935/W/22/3309250. The appellant then removed the four huts, but retained the decking that is the subject of this appeal.

5. They submitted a pre-application enquiry to the Council in April 2023 for the retention of the decking, prior to the issuing of the enforcement notice in May 2023. I have been provided with a copy of the Council's response to the pre-application enquiry, which was sent after the date of the enforcement notice on 5 June 2023.

Significance

6. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. Policy ENV 9 of the Northumberland Local Plan (NLP) states that, within a conservation area, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance.
8. At paragraph 194, the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage assets affected by development, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the impact of the scheme on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
9. The appellant has not provided any assessment of the significance of any heritage assets that are affected by the development, contrary to the requirements of the NPPF. Nonetheless, I have carried out my own assessment, based on the evidence before me and my observations on my site visit.
10. The Percy Arms is a large stone building incorporating a series of different blocks. To one side is the sizeable car parking area where the decking that is the subject of the appeal is located. Behind the car park and the main building is a row of single storey buildings that appear to have been cottages. The row incorporates a cut through that led to the car park at the back of the premises.
11. From the form and layout of the property, it appears to me that the Percy Arms was previously an old coaching inn. Such buildings are of historic importance as they evolved in response to the improvement in road communications from the 18th century onwards. They typically provided food and lodgings, and also stabling and grooms' quarters in order to accommodate travellers' horses. That being the case, the space to the side of the building is important in historic and communal terms. It would have been a key circulation area where coaches arrived and departed, and is therefore important to the understanding of the building.
12. The Percy Arms is an imposing structure in a settlement of otherwise fairly modest buildings. It is built of stone with slate roofs and gable end chimneys, which have a striking chamfered design. Other traditional features include the stone quoins and stone window surrounds. The main frontage is set back from the road behind a grassy area that is surrounded by a stone boundary wall. The single storey range at the back of the car park echoes the main building in terms of materials and overall design. Despite some changes, the Percy Arms

is an attractive building of some status, and its overall historic form and character remain legible.

13. The Chatton Conservation Area (CA) encompasses the village of Chatton and includes some green areas around the edge of the settlement. Its significance lies in its surviving historic plan form, and the interrelationship of streets and spaces. With the exception of the more modern developments, the buildings in the vicinity of the appeal site are unified by a very similar palette of traditional materials.
14. The village is formed around the main thoroughfare of the B6348, which runs east-west. Another road joins the B6348 from the north. The Percy Arms is located close to this crossroad, which forms the core of the village, along with the village shop and the grade II listed Chatton War Memorial. It occupies a highly prominent central location and is clearly visible in close views from the road, and in longer views within the village. As a result, the building and the features I have noted make a valuable contribution to the significance of the CA.

The effect of the development

15. The decking covers part of the car park and adjoins the side elevation of the main building. It is a substantial structure that comprises the decked area itself, plus timber fencing, timber boarding around the base, and taller timbers which support strings of lighting. It extends back towards the single storey range, leaving a gap big enough for pedestrian access.
16. The decking is clearly visible from the public realm. Its design is overtly modern and does not blend well the traditional design of the main building, or the nearby historic buildings. Whilst a contemporary design approach can often work well in historic contexts, the bland, functional appearance of the structure fails to complement the fine architectural qualities of the Percy Arms. There is no evidence that the unfinished timber used for the decking is a characteristic material in the CA.
17. Its overall size, form and both the nature and colour of materials used ensure that it is a highly prominent feature when viewed from the street directly outside the site and from inside the car park. It also obscures views of the single storey buildings behind, diminishing their contribution to the significance of the CA. When viewed in context with the pub, the decking stands out as an incongruous addition which serves to detract from the traditional character and appearance of the pub and its heritage significance. Consequently, this also has a harmful impact on the character and appearance of the CA.
18. I therefore conclude that the development unacceptably harms the character and appearance of the appeal site, and in turn, the significance of the wider CA. Accordingly, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight. In addition, the scheme fails to comply with NLP Policy ENV 9, and with NLP Policy ENV 7, which seeks to ensure the conservation of the significance, quality and integrity of Northumberland's heritage assets.
19. Although serious, the harm in this case is less than substantial, within the meaning of the term in paragraph 199 of the NPPF. Paragraph 200 states that

any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

20. The appellant has supplied a 'Statement of Public Benefit' outlining the circumstances in which they bought the Percy Arms and providing some approximate facts and figures relating to the commercial operation. They assert that without the additional outdoor floorspace the decking provides, which seats up to 40 people, the business would not be viable.
21. However, returning to the pre-application response of June 2023, it is clear that the Council find the principle of the development to be acceptable. It follows that their objection relates to the physical characteristics of the decking as installed. I therefore see no reason why an outdoor area for the use of patrons could not be provided to a design that is more in keeping with the sensitive historic context. It is apparent that the business derives benefit from the additional commercial floorspace, and not anything intrinsic in the design or appearance of the current decking structure. That being the case, the granting of permission would not be justified as equal benefits could be gained by way of a more sympathetic solution.
22. I have taken into account the appellant's argument that with the huts removed, any harm arising from the decking should be taken to be at the lowest end of the 'less than substantial' spectrum. However, in light of my consideration above, I am unable to agree with this assertion.
23. In summation, I find that insufficient public benefits have been identified that would outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
24. The appeal on ground (a) therefore fails, and the deemed planning application is refused.

The appeal on ground (f)

25. Ground (f) is that the steps required to comply with the requirements of the notice are excessive.
26. Firstly, I note the appellant's argument that the requirements were excessive because the Council had not yet responded to their pre-application enquiry to retain the decking. However, the Council's response of June 2023 is clear that the decking would be unlikely to be supported in the event of an application being received. The requirement to remove the decking is therefore not premature.
27. The appellant agrees that the removal of the decking and associated materials is reasonably required to remedy the breach. However, they state that the requirement to reopen the access between the front and back car parks goes beyond what is necessary.
28. In response to this point, the Council agree that the closing up of the access is not a breach of planning control. However, in order to seek compliance with

the enforcement notice, the land must be returned to its condition before the breach took place. They argue that the removal of the decking and the reinstatement of the access will ensure that the land can be used for its intended purpose.

29. The allegation in the notice refers only to the erection of the decking, and not the blocking of the access. It appears that the blocking of the access came about as a result of the location of the decking. If it is not a breach of planning control in itself, and it does not directly facilitate the unauthorised development, then the requirement to unblock the access within the notice is unnecessary.
30. In conclusion then, the removal of the decking and associated materials is commensurate with the aims of the notice. However, the appeal on ground (f) succeeds insofar as I have found the requirement to reopen the access to be excessive.

The appeal on ground (g)

31. Ground (g) is that the time given to comply with the notice is too short.
32. The appellant argues that the period for compliance should be extended to nine months in anticipation that the Council might respond positively to the pre-application enquiry, allowing time for a new application to be made. However, as discussed above, the Council have now responded negatively to the pre-application enquiry.
33. Conversely, in view of the importance of the floorspace to the business, I consider it reasonable to allow some additional time for the appellant to explore an alternative scheme. I shall therefore amend the notice to allow a six month compliance period, which balances the business need against the purpose of the notice to remedy the harm that has been identified.
34. To that extent, the appeal on ground (g) succeeds.

Overall conclusion

35. The appeal is dismissed, the deemed planning application is refused, and the enforcement notice, as varied, is upheld.

Elaine Gray

INSPECTOR