



Appeal Decisions

Hearing held on 12 December 2023

Site visit made on 12 December 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal A Ref: APP/R0660/W/23/3321078

The Old Rectory, Church Lane, Gawsworth SK11 9RJ

- 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 Mrs Kathryn Caudwell against the decision of Cheshire East Council.
 - The application Ref 22/2698M, dated 4 July 2022, was refused by notice dated 2 February 2023.
 - The development proposed is single storey semi-subterranean rear extension with internal alterations.
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Appeal B Ref: APP/R0660/Y/23/3321079

The Old Rectory, Church Lane, Gawsworth SK11 9RJ

- 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 Mrs Kathryn Caudwell against the decision of Cheshire East Council.
 - The application Ref 22/2699M, dated 4 July 2022, was refused by notice dated 3 February 2023.
 - The works proposed are single storey semi-subterranean rear extension with internal alterations.
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Decisions

1. Appeal A is allowed and planning permission is granted for a single storey semi-subterranean rear extension with internal alterations at The Old Rectory, Church Lane, Gawsworth SK11 9RJ in accordance with the terms of the application, Ref 22/2698M, dated 4 July 2022, subject to the relevant conditions listed at the end of these decisions.
2. Appeal B is allowed and listed building consent is granted for a single storey semi-subterranean rear extension with internal alterations at The Old Rectory, Church Lane, Gawsworth SK11 9RJ in accordance with the terms of the application, Ref 22/2699M, dated 4 July 2022, subject to the relevant conditions listed at the end of these decisions.

Preliminary Matters

3. These decisions address planning and listed building consent appeals for the same site and the same scheme. Whilst the remit of each regime is different, the main issue set out below relates to both appeals. Indeed, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter whilst having regard to the statutory

duties that apply under Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. An additional plan¹ was submitted to the Council on 6 February 2023. It was explained at the Hearing that this took place without prior knowledge of the Council's decisions, which were issued a short time before. In any event, the main parties agree that this additional plan does not materially evolve the scheme for which planning permission and listed building consent was originally applied and I am content that no party with a potential interest in the outcome of either appeal is prejudiced by me considering it as a plan to be formally determined.
5. Whilst the site is located within the Green Belt, it is common ground between the main parties that the scheme would not represent inappropriate development in the Green Belt. I shall return to Green Belt considerations under Other Matters.

Main Issue

6. The main issue, common to both appeals, is whether or not the proposed works and development would preserve the Grade I listed building known as 'The Old Rectory' and any features of special architectural or historic interest that it possesses.

Reasons

7. The Old Rectory is a timber-framed Grade I listed property of medieval origin that comprises one of several landmark historic buildings within the Gawsorth Conservation Area (the CA). The significance and special interest of The Old Rectory as a designated heritage asset is drawn, in part, from its well-preserved and elegantly crafted historic fabric (as is exhibited both externally and internally but is most visible to the south-facing front elevation), its alterations over time, and its historic associations to individuals and families of national standing. This significance and special interest is further underpinned by the asset's visual and functional connections to the nearby Grade I listed Church of St James, and by the verdant spaciousness of much of its immediate and wider rural surroundings.
8. Although part of the original rear wall of The Old Rectory remains exposed, its rear elevation is characterised by past phases of intervention and asymmetrical built form. 19th-century extensions by Norman Shaw, a renowned residential architect of his time, are principally two-storey and focused to the western end of the property's rear. These additions, which are red brick-led, include a featureful gable-ended cross wing incorporative of a stair hall, an elaborate chimney with starburst decoration, and a jettied west elevation ornamented with timber detailing.
9. The proposed extension would be sited to the rear of a single storey link corridor which runs along the original rear elevation of the house and connects to Shaw's stair hall. Having experienced its precise composition and materiality at close hand, it is likely that the link corridor formed part of Shaw's 19th-century restorations. Any suggestion to the contrary has not been clearly or persuasively substantiated. Even so, the link corridor, as well as the small outbuilding to which it is attached, are experienced as uncomplicated, small-

¹ Proposed Roof Plan, Ref 21-083 (HPL)11

scale, ancillary structures. Indeed, the link corridor's significance and special interest is principally drawn from the manner in which it retains and exposes the rear wall of the original house.

10. Nevertheless, the proposals would necessitate some losses of historic fabric. Indeed, the intended alteration and enlargement of a small number of existing apertures would lead to the loss of historic brickwork and two well-proportioned timber windows incorporating intricate glazing bars. Whilst such losses would occur in inconspicuous locations and have no impact upon the original medieval part of The Old Rectory or the core elements of Norman Shaw's additions, a small material loss of heritage significance would, in my judgement, avail from these modest fabric losses.
11. It has been suggested that the extension would be at odds with the linear plan form of The Old Rectory. The original medieval core of the property, I note, loosely follows a rectangular footprint. However, it also incorporates various projecting elements to the front as well as 19th-century additions to the rear. Such features promote that a strict linear plan form is not readily distinguishable, either on plan or on the ground. Even so, the extension that is proposed, owing to its considerable depth, would not seamlessly integrate with the property's historic plan form and would, accordingly, fail to fully preserve the asset's special interest.
12. I have noted representations raising concerns that the intended flat-roofed design would exacerbate adverse effects and fail to harmonise with the collection of pitched roof elements currently in existence. However, important considerations at play are the gradient of the rear garden, the plain nature of the particular garden space in question, the semi-subterranean composition of the scheme, and the intention to install a sedum roof top. Indeed, I see merit in the suggestion made that the extension has been designed to appear as an element of the garden. This is especially in the context of an adjacent designed knot garden that is edged or defined by low-level walling in places. As such, the extension would not, even where experienceable from upper floor vantage points, be read as an especially jarring or wholly insensitive addition.
13. The scheme incorporates glazed elements of modern specification and meaningful expanse, including a fixed frameless window and a set of sliding double doors. However, such installations would be largely confined to the western elevation of the extension in a discreet location and could not be fairly anticipated to lead to development/works of a heavily glazed character materialising when considered as a whole. This is even when considered in conjunction with the rooflights that are proposed. It is also relevant that the rear elevation of The Old Rectory is served by a plethora of differently sized openings (albeit historic and of often intricate design), as opposed to being exclusively punctuated by small-sized apertures.
14. It was suggested at the Hearing that the extension, in-part owing to its generous footprint, would take undue prominence and be at odds with the asset's hierarchy of spaces. However, the great hall, which is situated centrally and adjacent to the main entrance, and which exhibits a striking roof structure and close-studded wall timbers, would continue to function and be read as the property's most important internal space.
15. In overall terms the proposals represent an innovative response to the heritage constraints that avail, would read as a non-intrusive new built phase to the

property, and would not unacceptably over-dominate the rear of the building. Even so, for reasons related to the loss of historic fabric and a failure to fully respect the original relatively linear plan form of the building, I adjudge that the proposals would not fully preserve The Old Rectory and features of special architectural or historic interest that it possesses. Moreover, some low-level harm would be caused to this high-value designated asset's heritage significance. In the terms of the National Planning Policy Framework (the Framework), I would qualify that the degree of harm would be at a less than substantial level. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to under my Heritage and Planning Balance below.

Other Matters

16. The significance and special interest of the CA is drawn, in part, from its range of high-value historic buildings, its wide array of mature landscape features and designed parkland, and the agricultural makeup of its surrounding lands. In general terms, an identification of low-level harm to the authenticity of The Old Rectory, an important listed building within the CA, would hold some potential for a residual harmful effect upon the character or appearance of the CA when taken as a whole. However, owing to the minor low-level nature of the proposed development and works and the absence of public visibility, I find that, in the circumstances of the specific proposals before me, the character and appearance of the CA would be preserved. I similarly identify no harm to the significance of any other designated heritage asset² situated nearby by virtue of development/works within their settings. This is due, in-part, to the distances of separation involved, the lack of direct intervisibility, and the modest scale of development that is under consideration.
17. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Various exceptions to development being considered inappropriate are listed within the Framework. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is my understanding that Policy RUR11 of the Cheshire East Site Allocations and Development Policies Document (December 2022) (the SAPDP) provides detailed clarification that proposals shall usually represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt. I am satisfied, having considered the plans and written evidence before me, that the 30% threshold would not be exceeded in this case. As such, inappropriate development would be avoided, and very special circumstances do not therefore need to be demonstrated.

Heritage and Planning Balance

18. In terms of the public benefits of the proposals, it has been put to me that a vacant building would be brought back into use and that a good use of the existing housing stock would be made.
19. The appeal property has lain vacant since 2016 when personal circumstances and the house's unsuitable configuration led to the appellant's family vacating.

² including: Grade I listed Church of St James; Grade I listed Gawsworth Hall; Grade II* listed Gawsworth Hall Park and Garden; Gawsworth Hall garden Scheduled Monument; Grade II* listed Gawsworth New Hall

It is my understanding that the property has since been actively marketed, between March 2016 and February 2020, through various agents that are listed in supporting documentation. It has been set out that, during this marketing exercise, five parties registered a serious interest. However, the repeated reason for not proceeding to purchase was the property's failure to meet family living requirements owing to the absence of a kitchen and dining space commensurate with a dwelling of this size.

20. Moreover, my internal inspection highlighted that the existing kitchen's size is not representative of the scale and grandeur of the property and that this shortcoming can be fairly thought of as a key deterrent to parties not pursuing their interest in, or their active occupation of, the dwelling. Whilst The Old Rectory has remained in good condition despite its extended period of vacancy, I do not doubt that the costs of ongoing upkeep are substantial and likely unsustainable in the long term without an active occupying presence. It is also a fair assertion that no other existing internal room provides a logical conversion opportunity (to a family kitchen and dining space) without an unacceptably detrimental impact upon the building's historic fabric.
21. Thus, notwithstanding the absence of a detailed marketing report, I am sufficiently satisfied that the proposals would bring a large family home of high heritage significance back into active use that would highly likely remain vacant and disused for the foreseeable future without the interventions that are intended. This would, in turn, promote a good use of the existing housing stock and secure The Old Rectory's optimum viable use as a dwelling for this and future generations.
22. All related matters considered, I find that the public benefits of the scheme attract considerable weight. In my judgement, in accordance with the relevant policy test contained within the Framework, the proposals' public benefits would outweigh the less than substantial harm I have identified would be caused to the heritage significance of The Old Rectory. This is whilst acknowledging its Grade I status and that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
23. Thus, the scheme accords with the historic environment conservation and enhancement policies contained within the Framework. Whilst there is some minor degree of conflict with Policies SD2 and SE1 of the Cheshire East Local Plan Strategy (July 2017) (the LPS) and Policies GEN1 and HOU11 of the SAPDP in so far as these policies require that the character, quality and diversity of the historic environment will be conserved and enhanced, there is satisfactory compliance with Policy SE7 of the LPS and Policies HER1 and HER4 of the SAPDP in so far as this policies set out that where proposals would lead to less than substantial harm to the significance of a listed building, the harm shall be weighed against the public benefits of the proposals.
24. Thus, I find that the scheme accords with the development plan when read as a whole and material considerations do not lead me to decisions otherwise.

Conditions

25. Lists of potential planning and listed building consent conditions agreed by the parties were provided in advance of the Hearing. Following further discussion at the event, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments where

necessary for consistency and clarity purposes. Further, pre-commencement planning conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site.

26. With respect to the planning appeal, I have omitted several agreed conditions on the basis of relevance only to works requiring listed building consent. As there is no provision for a future application for a minor material amendment to a listed building consent, a plans condition fails to meet the test of necessity for Appeal B. However, with respect to Appeal A, such a condition is required in the interests of certainty.
27. In the interests of preserving the special architectural and historic interest of The Old Rectory, conditions are reasonable and necessary (with respect to either Appeal B or both appeals) that secure: full details of materials; a construction method statement; a protection method statement for internal works; the preservation of historic hidden features; that all works and works of making good match adjacent work; full details of fenestration; details of the removal of services from the existing kitchen; details of foul and surface water drainage provisions; details of the construction phases and related access arrangements; details of any visible new or relocated services and relating fixtures; and details of any new plumbing, pipes, soli-stacks, flues, vents or ductwork to be externally fixed. For the avoidance of doubt, it was confirmed at the Hearing that a less intrusive alternative to the wood burner flue detail that is indicated on the submitted plans would, in the event the appeals be successful, be pursued and agreed with the Council.
28. In the interests of protecting the visual amenities of the locality and the character and appearance of the CA, conditions to secure a scheme of landscaping and its future maintenance and the implementation of agreed tree protection and related special construction measures are reasonable and necessary to secure via condition with respect to the planning appeal.
29. Further, consistent with a request made by the Council's Development Management Archaeologist and in the interests of ensuring appropriate investigation and recording of any archaeological remains in-situ, and to ensure the significance of the building is preserved, a written scheme of archaeological investigation and a subsequent archaeological report are reasonable and necessary to secure via condition with respect to both appeals. This is particularly so in view of the meaningful extent of ground excavation that would be necessitated by the proposals.

Conclusion

30. For the above reasons, I conclude that both Appeal A and Appeal B should be allowed.

Andrew Smith

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Vincent Fraser KC	Counsel for the Appellant
Caroline Payne	Planning Consultant, Emery Planning
Kathryn Sather	Kathryn Sather and Associates Heritage Conservation Consultants
Roger White	Randle White Architects
Kathryn Caudwell	Appellant
Michael Mayor	Appellant's partner

FOR THE COUNCIL

Fiona Reynolds	Senior Planning Officer
Emma Fairhurst	Senior Conservation and Design Officer

INTERESTED PARTY

Laura Lawrence	Local resident
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Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in full accordance with the following approved plans: 21-123 (EXT) 49; 21-083 (HPL) 44; 21-083 (HPL) 10; 21-083 (HPL) 20; 21-083 (HPL) 21; 21-083 (HPL) 30; 21-083 (HPL) 31; 21-083 (HPL) 11.
- 3) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the foundations of the new extension, protection for the existing building during construction, and details of how the new extension shall be attached to the listed building. The development shall be constructed in full accordance with the approved details.
- 4) Prior to the commencement of development, full details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 5) Prior to the commencement of development, full details of the intended construction phases and related access shall be submitted to and approved in writing by the Local Planning Authority, which shall include (a) plan(s) annotating the areas of access for construction works and storage of materials on the site. No access shall take place for

construction purposes through the gates immediately fronting the house, nor through the house itself other than through the link corridor to specific parts of the property which are affected by the development, for the purposes of the development only. All construction access to the site shall be via the gates, driveway and access situated to the southeast of the site. The development shall only proceed in accordance with the approved details.

- 6) Prior to the commencement of development, a written scheme of archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict adherence with the approved details. Prior to the first occupation/use of the hereby approved extension, an archaeological report shall be submitted to and approved in writing by the Local Planning Authority.
- 7) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a sample panel of brickwork (to be constructed on site), which shall form the basis of work to walls and external surfaces of the extension. The development shall be carried out in full accordance with the approved details, and the approved sample panel shall be retained on site throughout the period of construction.
- 8) Notwithstanding any detail indicated on the plans hereby approved, prior to the installation of any fenestration as part of the development hereby permitted, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of no smaller than 1:20, shall be submitted to and approved in writing by the Local Planning Authority.
- 9) Prior to the first occupation of the development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard and soft landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge, or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme, including for the approved sedum roof.
- 10) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved. Any trees or plants planted in accordance with this condition which are removed, die, or become severely damaged or diseased within five years of planting, shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 11) No development or other operations shall take place except in complete accordance with the tree protection and special construction measures identified in the Arboricultural Implications Assessment and Method Statement (TRE/TORCLG/Rev A) dated 10 January 2023, with measures to be implemented under Arboricultural supervision in accordance with

BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

- 12) Notwithstanding the wood burner flue detail indicated on the plans hereby approved, no new plumbing, pipes, soil-stacks, flues, vents, or ductwork shall be fixed on the external faces of the building unless full details are first submitted to and approved in writing by the Local Planning Authority.

Schedule of Conditions – Appeal B

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) Prior to the commencement of works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the foundations of the new extension, protection for the existing building during construction, and details of how the new extension shall be attached to the listed building. The works shall be undertaken in full accordance with the approved details.
- 3) Prior to the commencement of works, a protection method statement for the interior of the property shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the following interior features shall be protected from damage or theft during the construction work, with particular regard being given to historic glass:

- wall, windows and doors to the link corridor; and
- the kitchen, plant room and stair hall, including the walls, windows and doors between these rooms/areas.

The protection approved through the method statement shall remain in place for the duration of the construction/alteration works hereby permitted. No such features shall be altered or removed temporarily or permanently except as indicated on the approved drawings.

- 4) Prior to the commencement of works, the position, type and method of installation of all new and relocated services and related fixtures (this includes communications and information technology servicing, lighting, security and utilities), shall be specified and submitted to and approved in writing by the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with any such approval.
- 5) Prior to the commencement of works, full details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.
- 6) Prior to the commencement of works, full details of the intended construction phases and related access shall be submitted to and approved in writing by the Local Planning Authority, which shall include (a) plan(s) annotating the areas of access for construction works and storage of materials on the site. No access shall take place for

construction purposes through the gates immediately fronting the house, nor through the house itself other than through the link corridor to specific parts of the property which are affected by the works, for the purposes of the works only. All construction access to the site shall be via the gates, driveway and access situated to the southeast of the site. The works shall only proceed in accordance with the approved details.

- 7) Prior to the commencement of works, a written scheme of archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict adherence with the approved details. Prior to the first occupation/use of the hereby approved extension, an archaeological report shall be submitted to and approved in writing by the Local Planning Authority.
- 8) No works involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a sample panel of brickwork (to be constructed on site), which shall form the basis of work to walls and external surfaces of the extension. The works shall be carried out in full accordance with the approved details, and the approved sample panel shall be retained on site throughout the period of construction.
- 9) Notwithstanding any detail indicated on the plans hereby approved, prior to the installation of any fenestration as part of the works hereby permitted, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of no smaller than 1:20, shall be submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the removal of services from the existing kitchen, full details of these services and of intended repairs to the historic fabric of this room shall be submitted to and approved in writing by the Local Planning Authority. The works shall then proceed in full accordance with the approved details.
- 11) All new work and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods, material, colour, texture and profile used unless full details of different methods/materials are first submitted to and approved in writing by the Local Planning Authority.
- 12) If any hidden historic features are revealed during works, they shall be retained in-situ (this shall include any historic surfaces beneath the existing finish to the link corridor floor), works shall be halted in the relevant area of the building, and the Local Planning Authority shall be notified immediately.
- 13) Notwithstanding the wood burner flue detail indicated on the plans hereby approved with respect to Appeal A, no new plumbing, pipes, soil-stacks, flues, vents, or ductwork shall be fixed on the external faces of the building unless full details are first submitted to and approved in writing by the Local Planning Authority.

-----END OF SCHEDULES-----