



Appeal Decisions

Site visit made on 31 May 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2024

APPEAL A

Appeal Ref: APP/R0660/W/22/3313412

The Swan Inn, Wrenbury Road, Marbury SY13 4LS

- 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 Mr J Brunning against the decision of Cheshire East Council.
 - The application Ref 22/0825N, dated 28 February 2022, was refused by notice dated 2 December 2022.
 - The development proposed is the change of use of a barn to 4 self-catering units.
-

APPEAL B

Appeal Ref: APP/R0660/Y/22/3313407

The Swan Inn, Wrenbury Road, Marbury SY13 4LS

- 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 Mr J Brunning against the decision of Cheshire East Council.
 - The application Ref 22/2020N, dated 28 February 2022, was refused by notice dated 2 December 2022.
 - The works proposed are described as the change of use of a barn to 4 self-catering units.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary and Procedural Matters

3. The description of the proposal used above is taken from the application forms, but as well as the change of use the scheme includes a variety of building works; these are described in my reasons below.
4. The appeals relate to a Grade II listed building, referred to in the official list entry as “Outhouse to Swan Inn”¹ (hereafter simply “the outbuilding”), within the Marbury Conservation Area (“the MCA”). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”).
5. The decision notices issued by the Council referred to policies of the 2005 Crewe and Nantwich Replacement Local Plan (“the CNRLP”), the 2017 Cheshire East Local Plan Strategy (“the CELPS”), and the then-emerging Cheshire East Site Allocations and Development Policies Document (“the SADPD”). On

¹ List entry number 1312503

14 December 2022, shortly after determining the applications, the Council adopted the SADPD. At that point the saved policies of the CNRLP were withdrawn, and I have not referred to them in my reasons below.

6. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the applications were determined, and again on 19 December 2023. The amendments made did not have any bearing on the issues in these appeals, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

7. The main issues in both appeals are the effect of the proposed development on the significance of the Grade II Listed building and whether it would preserve or enhance the character or appearance of the MCA.

Reasons

Significance and special interest

8. The outbuilding is a long part timber-framed, part brick building. It dates from the 17th century and was altered and extended in the 18th and 19th centuries. Originally a farm building, it has since been put to a variety of uses. It sits south-west of the Swan Inn itself (which is not listed, although it is considered a non-designated heritage asset) between the pub building and Wirswall Road, in the centre of the village of Marbury.
9. There are various openings on the two long side elevations, including double "cart shed" doors, single doors, windows of various styles and ages, and sets of diamond lattice vent holes within the brickwork. The end sections of the outbuilding have brick gables which are understood to date from the 18th and 19th centuries.
10. The building is subdivided internally into four distinct areas. The central section is of timber framing with single-skin brick infill panels; some parts have two floors, other spaces are open to the full height of the roof. It includes a former stable, a likely former shippon, a cart store, and a hayloft at first floor level; the western end of the central part was converted to a residential cottage during the 19th century, and includes fireplaces at ground and first floor levels (though there is currently no staircase to the first floor), lath and plaster walls, and diamond lattice windows.
11. Although the building has been altered over the years, both internally and externally it retains a simple agricultural character. The special interest and significance of the listed building insofar is derived from its age, the historical value of the comparatively rare 17th century timber-framed core of the building, and its simple yet strong vernacular appearance which is essentially unaltered since the 19th century.
12. Marbury is a small, isolated rural settlement, with distinct clusters of buildings laid out along winding roads and separated by open spaces. The MCA covers much of the centre of the village, around the Swan Inn, St Michael's Church, several vernacular cottages, and the village green. The MCA has a high

aesthetic and historic interest, stemming from the quality and age of its buildings, the limited and coherent palette of materials, and the views into and out of the village which emphasise its open countryside setting.

13. The outbuilding and the main pub building form an important and aesthetic composition, contributing to key views through the village. The age and form of the outbuilding add to the sense of place within Marbury, and it makes a very positive contribution to the character and appearance of the MCA.

Proposal and effects

14. The proposal is the conversion of the outbuilding into four self-catering holiday accommodation units for the pub. This would entail a variety of works to the building, including the repair of the timber frame and trusses and the brick infill panels, the replacement of modern windows and doors, the insertion of glazing to door and vent openings, the installation of a new or replacement first floor, the installation of rooflights, and woodburning stoves with flues. A new internal steel frame is proposed, which would connect to the external frame to support the first floor and roof structure; this would also support insulation and dry-lined walls. Existing lattice leaded windows and lath and plaster walls in the "cottage" section would be repaired.
15. I saw on my site visit that there is evidence the part of the outbuilding which would become Unit 2 once had an upper floor level; there are elevated doorways which could have provided access, differences in wall finishes, and indentations in the walls which may have accommodated joists. At present though, it is a full-height open space, in which the timber frame and brick panels of the building, as well as the timber trusses of the roof, are on full display. It is therefore somewhere that the historic material of the outbuilding, as well as its traditional layout, can be understood (albeit that the latter of these is necessarily done somewhat speculatively) and appreciated.
16. Although it is proposed to retain and repair most of the internal walls within the outbuilding, the insertion of a steel frame to support the upper floor would be a significant and substantial intervention which would be likely to become a permanent feature. New internal stud wall partitions may well be reversible, though I am not persuaded that this would be a realistic prospect once an alternative use for the outbuilding had been established. The creation of a new window opening on the ground floor of Unit 2 would result in the removal of existing brickwork. The proposed insertion of glazed panels within the proposed Unit 2 would allow parts of the existing external walls and timber frame to remain visible, but these would be relatively small in the context of the outbuilding as a whole, as most of the external walls would be obscured by modern linings. The proposals for this part of the outbuilding would therefore lead to a considerable loss of legibility of its historic form, as well as a loss of historic fabric.
17. The parts of either end of the outbuilding which would become Units 1 and 4 have less obviously immediate historic interest. At present the internal walls in those spaces are finished in basic and functional modern materials, so there is less visible evidence of historic fabric than in the central section of the building. However, the submitted drawings show a rooflight in a position in Unit 1 which would cut across an existing roof purlin, while a second new window on the south elevation, this time for Unit 4, would result in more brickwork being

removed. There would therefore be likely to be some further loss of historic fabric.

18. There is also a significant lack of detail about many elements of the scheme. The proposed steel frame is described as being only “to the central rooms/spaces of the outbuilding”, but this is not obviously differentiated on the submitted drawings, nor is it clear how old and new would be tied together around window and door openings. Similarly, while I note the assertion that “the secondary framing zone will also provide the necessary space to discreetly accommodate the new building services strategy”, that does not satisfactorily address the question of how and where essential services would actually be fitted into the building. These shortcomings of detail mean that there is a risk of further harm to, or a loss of, the historic fabric of the outbuilding.
19. Although most of the proposed works would be internal, there would be external alterations beyond the new openings already mentioned. The addition of a black steel flue and rooflights would result in an increase in domestication of the outbuilding, with a corresponding loss of its simple utilitarian character. These factors would undermine the legibility of its traditional, predominantly agricultural, function. The outbuilding is prominent within the MCA, and this loss of legibility would also cause harm to the character and appearance of the conservation area.
20. The Council was broadly supportive of the reinstatement of the former cottage area of the outbuilding as the proposed Unit 3, and indeed the repair of lattice windows and the replacement of unsympathetic modern windows, the repair of internal lath and plaster walls, and the relaying of traditional floor tiles in that part of the building would be positive aspects of the scheme. However, I have found harm in other respects.
21. Drawing the above points together, the scheme would lead to an erosion of the historic form and legibility of the outbuilding, as well as the potential loss of some original or historic fabric. I consider that the harm to the significance of the listed building would be less than substantial and, in the language of the Framework, on the lower end of the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight. I also find that the proposed development would neither preserve nor enhance the character or appearance of the conservation area. While the outbuilding is in a prominent location within the conservation area, the relatively limited scale of the external changes means that I consider the harm to the significance of the conservation area would be less than substantial, and at the lower end of the scale of less than substantial harm.
22. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Public benefits and balance

23. The conversion of the outbuilding to holiday lets would support employment at the Swan Inn and tourism in the local area; given the scale of the

development, this would be a modest economic benefit to the area. The repair of lattice windows and the replacement of unsympathetic modern windows, the repair of internal lath and plaster walls, and the relaying of traditional floor tiles would improve the fabric of the listed building, contributing to its preservation for future use. These would be moderate heritage benefits. Although there would therefore be public benefits, they would not be sufficient to outweigh the harm to both heritage assets.

24. I conclude that the proposal would harm the significance of the listed building and the conservation area. It would therefore conflict with Policy SE7 of the CELPS and Policy HER4 of the SADPD; together, and among other things, these policies seek to ensure that development conserves and enhance the significance of the local historic environment, including listed buildings and conservation areas. As a result of this conflict, the proposal would not be in accordance with the development plan.

Conclusion

25. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

M Cryan

Inspector