



Appeal Decision

Site visit made on 9 November 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/J4423/W/23/3318374

Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield S35 9YE

- 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 Robert Sharpe against the decision of Sheffield City Council.
- The application Ref 22/02585/FUL, dated 22 July 2022, was refused by notice dated 10 November 2022.
- The development proposed is described as: Change of use of cafe to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for change of use of cafe to dwelling at Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield S35 9YE in accordance with the terms of the application, Ref 22/02585/FUL, dated 22 July 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal property, known as Mobri Bakery, is a Grade II listed building¹ referred to on the Statutory List as: '*Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield*' (the cruck barn).
3. As the appeal is against the refusal of planning permission for development to a listed building within a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. There is no accompanying appeal against the refusal of listed building consent for works to a listed building. As such, my considerations relate solely to the development that is the subject of the planning application.
5. In doing so I am mindful of section 55(2)(a) of the Town and Country Planning Act 1990 which states that *the carrying out for the maintenance, improvement or other alteration of any building or works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building* does not constitute development.
6. Whilst internal works such as the removal and installation of timber stud walls, provision of an internal wall face, creation of a service void, removal and replacement of concrete floors and installation of roof insulation would potentially require listed building consent, for the purposes of the Town and Country Planning Act 1990, they do not involve development of the land.
7. The application was amended prior to the Council issuing its decision. My decision is based upon the plans on which the Council made its decision.

¹ Listing Entry Number: 1478494.

8. I have taken into account the revised National Planning Policy Framework (the Framework) as published on 19 December 2023. Any reference to the Framework below is consequently a reference to this latest revised version.

Main Issue

9. The main issue is the effect of the proposed development on the special interest of the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield (the cruck barn).

Reasons

Special Interest and Significance

10. The cruck barn was added to the statutory list in 2021, with the list entry identifying it as having a pre-1700 date of construction but possibly of medieval origins.
11. It is a building of stone construction, is single storey and orientated roughly north south, with the southern gable abutting the edge of the pavement. It is a building of considerable length with a simple, linear form. As a building with a low eaves, steeply pitched roof and high solid to void ratio, particularly to its northern elevation, it stands out alongside the nineteenth and twentieth century housing that lies close by. The barn is attached to the formerly associated farmhouse (now 35 St Mary's Lane) to the north, which is not listed. The Grade II listed² and scheduled monument³ the former file maker's manufactory lies just beyond St Marys Close to the east.
12. The building includes at least three crucks. The cruck framing is evident to the exterior of the building in the form of the exposed tie beams delineating the building into four bays. Internal walls divide the building into two halves that are accessed independently of one another. The southern half of the building containing crucks 1 (which is understood to be hidden in the wall of the building) and 2 is used as a café and prep area. The northern half, containing crucks 3 and 4 is in use for general storage.
13. The yard area to the rear of the building is enclosed by a low stone wall with a tall fence behind. The yard includes a covered area with an enclosure, a shed and a shipping container. It is understood this has been used in association with a dog grooming business. This area is generally untidy and the structures here obscure the rear elevation of the building.
14. The building has seen multiple uses and considerable alteration over its long history, particularly in the twentieth century when the south elevation was faced with brickwork which was later rendered and is now showing signs of disrepair. The northern part of the building was also rebuilt in the 1980s and new openings were inserted after 1977. Nevertheless, as set out in Historic England's comments at the time of listing, the surviving historic fabric is considered to comprise a significant proportion of the original building. Owing, in part, to its form and the presence of exposed tie beams in the exterior, it is clearly legible as a building of considerable age and is located in a prominent position in the streetscene, providing a contrast to the nearby, more modern, dwellings.

² Ref 1192853.

³ Ref 1004792.

15. From the evidence before me, the special interest and significance of the listed building, insofar as it relates to this appeal, are principally derived from its historic, architectural and archaeological interest as a rare example of a pre-1700 agricultural building. Key contributors in these regards are its considerable age and evolution over time; its distinctive form; its high solid to void ratio; and the surviving cruck frame and other historic fabric, including the traditional materials, construction techniques and craftsmanship embodied within it. The special interest and significance is also derived from its group value with the former file maker's manufactory.

Proposals and Effects

16. The appeal proposal would involve the change of use of the building to a two-bedroom dwelling. The building is no longer in its original use as an agricultural building and the café and storage use has led to insensitive alterations, notwithstanding that these changes were carried out before the building was listed. I acknowledge that use as a dwelling may lead to pressure for other alterations to the exterior, however, given the listed status, any alterations that materially affect the character of the listed building would require listed building consent. Furthermore, alterations to the curtilage such as the installation of buildings or boundary treatments would require planning permission.
17. Whilst I acknowledge that cruck 2 is widely visible to all users of the café at present, crucks 3 and 4 are not visible, being located in the storage area. Moreover, there is limited control over the extent of the visibility of the interior of the building given that it is in private ownership, and that the use of the building could be changed without an application for planning permission to multiple other uses that could in themselves result in a significant reduction in access to the building. Nevertheless, the change of use to a dwelling would bring the two halves of the building back into the same use which would potentially enable the crucks to be appreciated together within the same building. This would represent an enhancement to the special interest and significance of the listed building.
18. No extension or additions are proposed to the building and its distinctive form would be preserved. The conversion proposes no new window or door openings and would involve the re-use of all of the existing window and door openings. None of the existing doors or windows are historic and some are in relatively poor condition. Their removal would therefore not result in the loss of any historic fabric. The installation of new sympathetic doors and windows, which could be adequately controlled through a planning condition, would therefore preserve the building's special interest and not harm its significance.
19. Some of the existing openings would be partially infilled with timber boarding which would ensure the evolution of the building would remain legible, whilst preserving its architectural integrity and its agricultural, non-domestic, appearance. I acknowledge that the precise detail of the proposed fenestration is relatively limited having regard to the listed status of the building. However, I am satisfied that a suitable level of detail could be supplied as part of a planning condition to ensure that its precise design and form would be sympathetic to the character of the building, thus preserving the building's special interest and ensuring no harm to its significance.

20. No development is shown proposed to the slate roof of the building. Furthermore, the plans show no breaches of the existing walls or any alterations to the external tie beams which would ensure that the existing historic fabric present in the external walling would be conserved. This would therefore preserve the building's special interest and not harm its significance.
21. It is proposed to remove the concrete surfacing and structures within the yard to the rear. This would open up this space, allowing for views of the rear of the building from within the site and from the road outside. The space would become a garden area and the existing stone wall would be retained. This would better reveal the asset and would represent a clear enhancement to the listed building.
22. The Council has raised concerns over the effect of the compartmentalisation of the interior spaces on the internal crucks. However, as set out above, the installation of internal walls is not development and therefore outside the scope of the planning application.
23. I therefore conclude that, taken as a whole, the proposal would preserve the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield, and any features of special architectural or historic interest that it possesses. Consequently, I do not find any conflict with Section 66(1) of the Act. The proposed development would also conform with the Framework and Policies BE15 and BE19 of the Sheffield City Unitary Development Plan (1998) (the UDP) which together seek to conserve heritage assets in a manner appropriate to their significance.
24. In finding no harm to the significance of the designated heritage asset, the requirement to undertake a heritage balance as set out in the Framework is not engaged.

Conditions

25. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance, making such amendments as necessary to comply with those documents. In addition to conditions requiring commencement with the standard statutory periods, I have attached a condition specifying the approved plans.
26. Having regard to the identified archaeological importance of the site and potential effects of the proposed development on this, a pre-commencement condition requiring the preparation and implementation of an archaeological written scheme of investigation is necessary.
27. The composition, colour and method of installation of the proposed mortar for any repointing has potential to materially affect the exterior of the building. Therefore, a condition providing details of the proposed mortar, including a sample panel to indicate its method of installation is considered necessary.
28. Similarly, replacement rainwater goods also have potential to affect the external appearance. A condition requiring details of the proposed rainwater goods is therefore considered necessary in terms of preserving the special interest and significance of the listed building.

29. The Council's suggested condition in relation to details of external materials is not sufficiently precise. Therefore, in the interests of preserving the special interest and significance of the listed building, I have replaced this with two conditions. The first of these is a condition requiring details of the proposed render, including a sample panel; and the second, a condition requiring submission of details of the treatment of the infilled openings on the east (front) elevation.
30. As set out in my reasoning above, a condition requiring the precise details of windows and doors is necessary in the interests of the special interest and significance of the building and preserving its agricultural character.
31. I have additionally imposed a condition restricting the hours of operation of the development to implement the conversion, in the interests of the living conditions of the occupiers of neighbouring residential properties, particularly that which is attached.

Other Matters

32. Whilst not forming part of the Council's reason for refusal I have a statutory duty under section 72(1) of the Act to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The site lies within the Ecclesfield Conservation Area (the CA) which covers the historic core of the settlement which is centred around St Marys Church. Buildings here typically comprise of stone terraces fronting the street and detached and semi-detached properties set back behind walled front gardens. The appeal property is a distinctive building with a steeply pitched roof and low eaves, and is of considerable age, that is reflective of Ecclesfield's past as an agricultural village. With extensive surviving historic fabric and prominently situated within the streetscene, it thus makes an important contribution to the character and appearance and thus the special interest and significance of the CA. Nevertheless, the building has suffered some insensitive alterations in the twentieth century and the large sheds and overgrown space to the rear of the building has a negative effect on the townscape here.
33. The proposed change of use, through the replacement of existing doors, replacement of render, and the removal of curtilage structures and unsympathetic additions to the rear of the building would (providing acceptable details of these elements were agreed through planning conditions) improve the appearance of the building and its surroundings. These improvements would enhance the character and appearance of the CA. Consequently, I do not find any conflict with section 72(1) of the Act. I note that the Council concluded similarly in its appeal statement. There would also be no conflict with Policy BE15 of the UDP or the provisions of the Framework.
34. The Grade II listed building, the former file maker's manufactory, lies in proximity to the appeal property. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving the setting of this listed building. The special interest and significance of this asset largely stems from its architectural and historic interest as a relatively well-preserved example of a nineteenth century industrial building but is also derived, in part, from its wider setting. Given the nature of the proposed development, I consider that the setting of the former file maker's manufactory would be preserved and its significance, including the contribution made by its setting, would not be harmed. On this basis it would meet the requirements of the Act,

BE15 and BE19 of the UDP and the provisions within the Framework. I note that the Council also had no concerns in this regard.

35. The proposal has generated local opposition, particularly in terms of the likely closure of the café and dog grooming business and the potential for problems with parking from use as a dwelling. However, the Council refused the application solely on the grounds of the effect on the listed building and not on any other matter.
36. The proposal would result in the loss of a café, a small local business that is a source of employment for those working there. The closure of the café as a result of the change of use would result in a loss of between one and five jobs⁴, however, I have not been directed to any policies that restrict the change of use of individual commercial premises to residential. Moreover, the loss of an employment generating use on such a small scale would not have a significant effect upon the local economy.
37. I accept that the café and dog grooming business are valued local businesses from the extent of objections referred to above. I further note the support for retention of community facilities through the Council's policies and the Framework⁵. However, as a privately operated café and dog grooming business, I am not convinced the proposal would constitute a community facility for the purposes of those policies.
38. Letters of objection raise concern over the impact on the vitality of the area and the range of facilities available as a result of the loss of the business. However, I note that the appeal building is close to a convenience store and within walking distance of a café and a Local Shopping Centre. I am therefore not convinced the proposal would significantly affect the vitality of the area. I note the Council concluded similarly.
39. As set out above, the proposal is within walking distance of a number of facilities and the public transport network. There is also some limited on-street parking on the surrounding streets. Given that the previous use was a café, generating a greater demand for parking, particularly during the day, I am satisfied that the modest demand for parking from a dwelling of this size would not be detrimental to highway safety in the vicinity. This is reinforced by the assessment of the Council.
40. Any effect on living conditions of the occupiers of neighbouring properties from the implementation of the development would be addressed by the proposed planning condition restricting hours of operation.
41. Concerns have been expressed that the proposal would impact on the structural integrity of the adjacent property and, through insertion of inward opening windows, create problems with fire safety. However, the proposal would need to comply with Building Regulations and I am therefore satisfied that these issues could be adequately addressed through that mechanism.
42. Whilst the proposed windows are likely to be small, they are located to the south and east of the building. Although the windows would face onto the pavement, I note this is also the case for other residential properties in the vicinity. Moreover, the majority of windows face onto a road leading to a cul-

⁴ There is disagreement between third parties and the appellant on this matter.

⁵ Community facilities are defined as places such as places of worship, pubs, music venues and sports clubs.

de-sac, which is likely to be subject to limited pedestrian traffic. The proposal would provide adequate living conditions for future occupiers.

43. As set out in the letters of objection, I acknowledge that the information supplied is somewhat limited, given the listed status of the building. However, as my assessment relates solely to the development that is the subject of the planning application, there is sufficient information before me to make a decision.
44. Issues of land ownership and private rights of way over land are private legal matters that fall outside of the planning process. Based on the information before me, these are not reasons to dismiss the appeal.

Conclusion

45. The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/3029/002/C; 20/3029/003/C; 20/3029/001/F; 20/3029/004/D.
- 3) No demolition/development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall set out a strategy for archaeological investigation and shall include:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for an interpretation board;
 - vi) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vii) The timetable for completion of all site investigation and post-investigation works; and
 - viii) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 4) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
- 5) Details of the proposed mortar mix shall be submitted to and approved in writing by the local planning authority. Following this a sample panel of the proposed stonework, not less than 1 metre square, shall be erected on the site and shall illustrate the colour, texture, and mortar finish to be used. The sample panel shall be approved in writing by the local planning authority before any repointing commences. The development shall be carried out in accordance with the approved mortar mix and sample panel thereafter.
- 6) The installation of all windows and doors shall be carried out in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details should include an elevation at 1:20 scale of each window and door and 1:5 scale cross sections showing full joinery and glazing details including any mouldings, head, lintel and cill details, glazing thickness and relationship with the external plane of the wall.
- 7) No render shall be applied to any part of the building until a sample panel of the render to be used on the external walls, of not less than 1 metre square, demonstrating the colour, texture and composition of the proposed render has been made available on site, inspected and approved in writing by the local planning authority. The panel shall be left in position for comparison whilst the development is carried out. The

development shall be carried out in accordance with the approved sample panel.

- 8) Prior to the commencement of development to infill the two double door openings and one single door opening on the south (front) elevation as shown on the approved plans, details of the proposed infill structure, including an elevation at 1:20 scale, 1:5 scale cross sections, details of any proposed moulding, materials, colour finish, method of installation and relationship with the external plane of the wall shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No rainwater goods shall be installed unless in accordance with details or samples, including a profile drawing at an appropriate scale, that have first been submitted to and approved in writing by the local planning authority.
- 10) Demolition or construction works shall take place only between 0800 and 1700 hours on Monday to Friday, 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.