The Planning Inspectorate

Appeal Decision

Site visit made on 23 April 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/Y3425/Y/23/3320234
Oak Tree Views, Newcastle Road, Eccleshall, Stafford ST21 6GA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Miss Niki Ross against the decision of Stafford Borough Council.
- The application Ref is 22/36548/LBC.
- The works proposed were originally described as '*new log burner to existing building*'.

Decision

1. The appeal is allowed and listed building consent is granted for new log burner and flue to existing building at Oak Tree Views, Newcastle Road, Eccleshall, Stafford ST21 6GA in accordance with the terms of the application Ref 22/36548/LBC and the plans submitted with it subject to the following conditions:

    1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

    2) No works shall commence until detailed plans and a method statement of the design of the log burner and all parts of the flue including fixings, opening position and installation details including remedial works for the brickwork, and a colour scheme for the flue shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details and maintained as such thereafter.

    3) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within two months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

Preliminary Matters

2. Notwithstanding the description of works in the banner heading above which is taken from the application form, I have taken the description of proposed works from the Council's decision notice and Section E of the appeal form in the formal decision. This more accurately describes the works for which listed building consent is sought for.

3. The names of the applicant on the application form and the appellant on the appeal form differs, however it has been confirmed that the appeal is proceeding in the name of the owner of the property Miss Niki Ross.

4. The original application as submitted included further works proposed at the property. However, the application was amended, and the outbuilding removed

from the scheme. An application for planning permission for the works has also been withdrawn, the appellant clarified in correspondence that planning permission is not required for the appeal proposal. The Council determined the application on the basis the works relate to the new log burner and flue including the revised plans NR-005 Rev A and NR-004 Rev A, therefore so shall I.

5. The log burner would be fitted internally, and the Council have set out they have no concerns regarding the log burner itself. However, their contention is that the position of the flue is unacceptable. I have dealt with the appeal on this basis.

6. As the appeal relates to a listed building consent, I have had special regard to section 16(2) of the Act.

7. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The policies that are material to this decision have not fundamentally changed and I am satisfied this has not prejudiced any party. In reaching my decision I have had regard to the revised Framework.

8. I have also had regard in so far as relevant, and in accordance with Paragraph 30 of the Framework in this appeal decision to the Eccleshall Parish Neighbourhood Plan 2011-2031, adopted July 2016, which the Council provided as part of their appeal submission.

Main Issues

9. The main issues are whether the proposal preserves a Grade II listed building, outbuildings to north of Byanna around three sides of the farmyard, comprising stable wings on north and west side, cowshed and range of implement sheds on east side, and any of the features of special architectural or historic interest that it possesses.

Reasons

10. The appeal site consists of a grade II listed building which was listed in 1980 (ref: 1189411), formerly an early 19th century agricultural outbuilding used as former stables but converted to a separate residential dwelling in the early 2000s. It is associated with a wider complex of outbuildings including the historic farmstead of Byanna Farm a grade II listed dwellinghouse (ref:1039058) of early 17th century origin. The wider outbuildings and complex are now converted and also form Byanna Grange.

11. The building is two-storey constructed of red brick and a blue plan clay tile roof located in the open countryside. The building is separated with its own curtilage with boundary walls and/or fencing to the other group buildings and complex. The appeal property appears to have undergone significant alteration to facilitate its residential use with more contemporary and domesticated features added to its historic fabric, original agricultural form and curtilage.

12. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its historic and architectural interest. Its historic interests are primarily in respect of its age and illustration of early 19th century agricultural outbuilding architecture, and

association as a wider group value of outbuildings, former agricultural use and connection to the historic and wider farmstead.

13. The information suggests the flue would be finished in black and would extend through the brickwork on the north-western elevation of the building. I have also had regard to the specifications and photographic evidence provided on the flue. The Council assert in this position on the wall that there would be a substantial amount of flue externally to the building and would be visually very obtrusive. However, the Council in their evidence appear to accept that a flue may be acceptable at the property if it were to be located through the roof and no higher than the ridgeline.

14. As I saw there is existing pipework that extends upwards on this elevation and a pipework opening already through this elevation wall. The brickwork also appears to have been repaired, repointed and/or modified at this section between the rainwater and soil pipes. The front roof slope is currently devoid of such openings other than the insertion of 4 Velux windows. I consider the proposed flue on the elevation would be seen in relation to this existing pipework already added to the historic building rather than being conspicuous or adding further domesticated clutter to the roof. Suitably worded conditions could be imposed to make good the brickwork and any internal fabric where the opening for the flue would be positioned from in the wall. The flue would also sit below the ridgeline and would not detract from the overall existing or original character of the roof itself or in the context of its location and significance to the wider group of buildings.

15. In addition, although located on the front of the building, the property is sited in a substantial plot and a significant distance from the roadway with limited surrounding views with the vegetation along Newcastle Road. Therefore, given the size of the flue, its position and that there is existing pipework it would not necessarily detract from views of the building as a whole when entering the site. There would only be a limited viewpoint or glimpse from the curtilage of Byanna Grange and no views afforded from Byanna Farm. I also saw those neighbouring buildings at Byanna Grange had flues installed, other pipework and domesticated paraphernalia protruding from walls and roofs.

16. I have had regard, to the development and works which have already been carried out, granted permission and consent. The appeal proposal, of itself, does not involve considerable additional loss of original or historic fabric beyond that has already been permitted or undertaken which have to some degree detracted from its original agrarian character and significance. Consequently, the proposal does not cause harm.

17. Given the above I conclude that, on balance, the proposal preserves the special historic interest of the Grade II listed building, outbuildings to north of Byanna around three sides of the farmyard, comprising stable wings on north and west side, cowshed and range of implement sheds on east side. This satisfies the requirements of the Act, the Framework and it does not conflict with Policy N9 of The Plan for Stafford Borough 2011-2031, (2014). The policy amongst other matters, requires proposals to provide clear justification and proposals must conserve and protect the significance of heritage assets by avoiding unnecessary loss of historic fabric and detail of significance.

18. I note the Council's assertion that the provision of the log burner and flue within the building would principally be of private benefit to the appellant

rather than any public benefit. I agree. Nevertheless, in finding an absence of harm the identified special interest and significance of the designated heritage asset, it is not incumbent for me to consider any public benefits that derive from the appeal proposal.

Conditions

19. I have considered whether any conditions would be appropriate in light of the Framework, Planning Practice Guidance and the Act. A standard time limit condition is necessary. However, the Council have only suggested a condition specifying the relevant plans and this has not been imposed as progressing the works in accordance with submitted plans is part of the formal decision above.

20. In the interests of preserving the special interest and significance of the listed building a condition requiring the submission of a method statement for the installation and fitting of the log burner and flue, and colour confirmation of the flue are necessary. A condition to reduce the likelihood of damage to the listed building, and timescale for making good any damage caused would be necessary to preserve the heritage asset.

21. I note that the appellant, regulatory services and the Parish Council suggested conditions. However, I have not imposed conditions relating to the height, installation, and maintenance of the flue in accordance with Building Regulations as it would not pass the test for necessity and given the location of the works placing restrictions on construction times would be unreasonable.

Conclusion

22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

K A Taylor

INSPECTOR