



Appeal Decision

Site visit made on 14 May 2024

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/R0660/Y/24/3337258

5-8 Barracks Square, Macclesfield SK11 8HF

- 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 Mr Jim Stewart against the decision of Cheshire East Council.
- The application Ref is 23/2934M.
- The works are described as 'installation of CCTV cameras to cover the four parking spaces at the front of the building owned by the applications; the entrance hall used by all occupants and owned by the applicants and the upstairs landing.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.
3. I understand that there is a complex recent history of the appeal site, including a withdrawn planning application¹ and an enforcement case². The works have already been carried out and the cameras were in place at the time of my visit. For the avoidance of doubt, my assessment of the appeal relates to the refused listed building consent in the banner heading above.

Main Issues

4. The decision notice offers one reason for refusal based on the harmful effects of the works on the special interest and significance of the listed building. The appeal site is also located within the Barracks Square Conservation Area (CA).
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states the following in regards to the general duty as respects conservation areas: *In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
6. Subsection (2) states that the provisions referred to in subsection (1) include the planning Acts. As the appeal property is within the CA, as the decision maker I have a statutory duty to consider any effects of the works upon the CA

¹ 23/1016M

² 23/00084E

as imposed by the Act. Both main parties were therefore contacted for their views on this additional main issue which I have considered in the determination of this appeal.

7. The main issues are therefore whether the works: (1) preserve the Grade II listed building or any features of special architectural or historic interest which it possesses; and (2) preserve or enhance the character or appearance of the CA.

Reasons

Special Interest and Significance

8. Section 16(2) of the Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The listed building subject to this appeal, officially known as 'The Barracks and Attached Rear Perimeter Wall', forms the western range of the larger barracks site which is arranged in a square with a central courtyard. The listed building in question was converted into flats in the 1980s and encapsulates number 5-20 formed of four blocks.
9. The listing description³ advises that the site is a former military barracks used for the storage of equipment and armoury after being built circa 1860. It is one-and-a-half storeys and built from coursed and squared rubble. The appeal building is formed of four blocks with the outer two attached to the double central unit by linking walls pierced by archways. The listing description highlights that alongside being one of the largest barracks, it is also one of the most picturesque and highlights its rich architectural detailing.
10. From all that I have seen and read, the special interest and significance of the listed building is derived mainly from its historic and architectural interests. Historic interest is drawn in part from the age of the building and its military history as part of the wider site which served as a former barracks. Architectural interest is drawn in part from surviving historic fabric and fine detailing of the facing exteriors, including the stonework and arched doorways. The inward facing exteriors are regimented and well-ordered. In contrast, the starkly plain internal passageways within the property are a reflection of its former use and add to its historic integrity and heritage interest. The building is described as being of considerable architectural invention, and the formality, rhythm and detailing of its facing elevations are well preserved. There is also further special interest derived from the considerable group value in combination with the adjacent buildings of the barracks site, which are also listed.
11. Section 72(1) of the Act states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Barracks Square Conservation Area designation covers the whole barracks site.
12. The special interest and significance of the CA is also largely drawn from its associated military heritage, and the listed barracks buildings are the primary contributor to the high-quality character and appearance of the CA. Although now used as residential flats, their former military uses remain legible in their layouts and formation around the central square. As a group, they comprise an

³ List Entry Number: 1280000

attractive set of buildings with a defined, planned appearance deriving from their former military uses. This group cohesion and functionality contributes to the character and appearance of the conservation area greatly and thus to its significance as a designated heritage asset.

Effects of the Works

13. The CCTV cameras are already installed, with one positioned externally above the entrance to flat numbers 5-8, one overlooking the internal entrance lobby above a door and the other on the landing of the staircase to the upper floor facing the lobby. The cameras are of modern design with white bodies and wiring and black faces. The appeal therefore seeks retention of the unauthorised works.
14. The external camera is located in a prominent position above the entrance to flats 5-8. Regardless of whether 'Victorian cameras' are available, the contemporary design of the camera, highlighted by the sleek materials and contrast between the white case and black face, alongside the white wiring into the building, makes it appear incongruous against the building's well-preserved detailing and traditional material finish. The camera also detracts from the historic character of the facing elevation, to the detriment of its carefully balanced composition.
15. The internal camera above the doorway in the lobby is installed on white plaster while the staircase camera is drilled into white painted brickwork. The black faces of the cameras are evident as a result and their modern appearance is in stark contrast to the utilitarian character of the walls which would have served the bunks or storage rooms of the barracks.
16. Moreover, in the case of all three cameras, the drilling into the facing stone, brickwork or plaster would inevitably have caused some damage to the historic fabric of those parts of the listed building. The cameras therefore strongly detract from the special interest and significance of the listed building, while also does not preserving the special interest and harming the significance of one of the principal contributors to the 'group' of listed buildings.
17. Given the CA covers essentially the whole site of the former barracks made up of the individual listed buildings and their group value, it logically follows that the harm to the special interest of one of these listed buildings is also inherently harmful to the character and appearance of the conservation area in which it stands. In this case, the external camera is clearly visible from adjoining well-used public spaces, comprising the access and car park. The character and appearance of the CA as a whole is not preserved or enhanced and its significance as a designated heritage asset is therefore also harmed by the works.
18. Taken together, for the above reasons, I therefore conclude that the works fail to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses while also failing to preserve or enhance the character and appearance of the CA. This would be contrary to the requirements of sections 16(2) and 72(1) of the Act.
19. Although listed building consent applications and subsequent appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004, and therefore do not require to be determined in accordance with the

development plan, relevant provisions of the development plan can be material considerations.

20. As such, insofar as they are relevant to the appeal, the works are also contrary to policies GEN1, HER1 and HER4 of the Cheshire East Local Plan Site Allocations and Development Policies Document (DPD) (adopted December 2022) and policies MP1, SD1, SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy 2010 – 2030 (LP) (adopted July 2017). These seek, among other things, to ensure that the character, quality and diversity of the historic environment will be conserved and enhanced.

Heritage Balance

21. Paragraph 205 of the Framework states 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.
22. I have found in this instance that the works harm the significance of the listed building and the CA as designated heritage assets. I find that the magnitude of harm is less than substantial due to the nature and scope of the works, although this level of harm applies to both designated heritage assets in turn. Nonetheless, less than substantial harm does not equate to a less than substantial planning objection. It is of considerable importance and weight and is attributed to both designated heritage assets in turn.
23. Paragraph 208 advises that in the case of less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
24. I am informed that the cameras were installed in response to the behaviour of occupants of the building, which included smoking, storing materials outside of their properties on staircases and in hallways, all of which could be a risk to fire safety. This is both in terms of being potentially combustible items and hindering safe exits in case of an emergency.
25. While I have had regard to the photography provided in the appellant's evidence, fire safety is subject to different legislation, and it is unclear as to how the cameras improve this. It seems as though the primary use of the cameras is to catch people in these acts. While reducing the risk of damage to a designate heritage asset could be considered a heritage benefit, it has not been demonstrated that the cameras are the only way of achieving this and these matters could still be resolved using other means. As such this offers little weight in favour of the works. Nor has it been shown that the works are fundamentally necessary to facilitate the building's optimum viable use as residential accommodation.
26. Even if I was to take these aspects into consideration, any benefits identified above constitute very little weight in favour of the scheme. This is not sufficient to outweigh the considerable importance and weight given to the identified harm to designated heritage assets. Overall, the weight I ascribe to the public benefits from the works is limited and not sufficient to outweigh the considerable importance and weight I attach to the harm I have found.

Other Matters

27. The appellant has taken issue with the Council's handling of their application for listed building consent. However, it is not my role to resolve disputes of this type through the appeals process. The Council will have their own complaints procedures which should be explored if the appellant feels they have been treated unfairly.
28. Evidently there are no other examples of applications for listed building consent for CCTV cameras on the Council's planning portal. However, the appellant points out that the Council approved consent for cameras on their own building. I am not aware of the circumstances of that case as I have not been provided with details. Nor am I aware of whether consent was granted for other cameras or TV aerials in Barracks Square. I have had regard to the details of the case before me which has been assessed on its own merits.

Conclusion

29. For the reasons given above the appeal should be dismissed.

C McDonagh

INSPECTOR