

Appeal Decision

Site visit made on 3 September 2024

by C Masters MA (Hons) FRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2024

Appeal Ref: APP/Y0435/W/24/3336563

Clare Stables, Vicarage Road, Stony Stratford, Milton Keynes, MK11 1BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nic Fuller against the decision of Milton Keynes Council.
 - The application Ref 23/01102/FULM, dated 09 May 2023 , was refused by notice dated 10 July 2023.
 - The application sought planning permission for change of use from motorcycles sales and repair to offices (use class B1) including alterations to windows and doors and increase in ridge and eaves height without complying with condition 1 attached to planning permission Ref 12/02415/FUL dated 27 August 2013.
 - The condition in dispute is No 1 which states that: The approved development shall be carried out in accordance with the following drawings/details 28371-120 as electronically registered on 24 December 2012, 28371-121 as electronically registered on 24 December 2012, 28371-03Rev F as electronically registered on 21 August 2013, 1282/20 Rev C as electronically registered on 19 August 2013, 28371-05 Rev B as electronically registered on 3 July 2013, 28371-01 as electronically registered on 20 December 2012.
 - The reason given for the condition is for the avoidance of doubt and in accordance with the requirements of the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from motorcycles sales and repair to offices (use class B1) including alterations to windows and doors and increase in ridge and eaves height at Clare Stables, Vicarage Road, Stony Stratford, Milton Keynes, MK11 1BN in accordance with the application Ref 23/01102/FULM , without compliance with condition number 1 previously imposed on planning permission Ref 12/02415/FUL dated 27 August 2013 and subject to the following condition:

- The car parking area as laid out shall be maintained as a permanent ancillary car park to the development and shall not be used for any other purpose at any time.

Application for costs

2. An application for a full award of costs has been made by the appellant. This application is the subject of a separate decision.

Preliminary Matters

3. The previous planning permission has been implemented. This appeal seeks to secure permission for the double glazed windows and doors installed at the property instead of the single glazed details as approved on the original permission.

Main Issue

4. The effect of the proposal on the character and appearance of the area, with particular reference to the heritage asset known as the Bull Hotel, 64 and 66 High Street as well as the Stony Stratford Conservation Area.

Reasons

5. I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The appeal property comprises 2 Clare Stables which is located at the rear of a Grade II* former Coaching Inn comprising the Bull Hotel which fronts the High Street. The significance of the heritage asset is related to its built form and fabric and its historical association with its use as horse stabling and cart storage associated with the Bull Hotel. The appeal property forming part of the outbuildings associated with the main building is explicitly mentioned within the listing notice. The building has been extensively refurbished and renovated and these works have been completed for a number of years. The building is a simple structure and is currently in commercial use.
7. From what I saw on the site visit, the extent to which the appeal property contributes to the building's heritage significance is very much derived from the location of the building to the rear of the High Street and the connection and relationship of the building to the Bull Hotel. It is subservient in scale and form and is reflective of the historical use and function of this building to the Bull Hotel.
8. The use of double-glazed windows and doors as opposed to the approved single glazed details does not result in any change to the relationship between the appeal property and the heritage asset concerned. These are the factors which provide the greatest contribution to the significance of the heritage asset. From what I saw on my site visit, the finish and profile

of the timber windows is entirely appropriate to the buildings use and function. They do not weaken the architectural/historic appearance of the building as suggested by the Council.

9. In terms of the Stoney Stratford Conservation Area, the appeal property is relatively centrally located within the Conservation Area, which is focused on the High Street and the surrounding streets. It is characterised by Georgian and Victorian commercial buildings set in uniform plots with a number of linear plots such as the appeal site which are set back from the High Street. On my site visit, I saw that the buildings to the rear of the High Street in commercial use were a typical feature of the Conservation Area and make a positive contribution to the character of the Conservation Area when taken as a whole.
10. The window details as completed provide an appropriate modern addition to this part of the Conservation Area. They are entirely in keeping with the commercial role and function of the building within this part of the Conservation Area. As noted by the Council, the building is of reduced visibility as its main elevation faces the car park area and not the street frontage. In particular, the profile of the windows when viewed from Vicarage Road is reflective of the architectural significance of the building, the character of the building and the street scene generally. I do not find that the proposal would be detrimental to the character or appearance of the Conservation Area as a whole and would preserve its significance as a result.
11. As a result, I conclude that the proposal would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. Furthermore, there would therefore be no conflict with policy HE1 of Plan MK.
12. The Council have referred to policy 12 of the Stony Stratford Neighbourhood Plan (2018) within their appeal statement. However, I have not been provided with a copy of this policy.

Conditions

13. I have restated a condition in relation to the car park to ensure that the car parking area is maintained as a permanent ancillary car park. This is necessary in the interests of vehicular movements in the area.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but with another condition as set out above.

C Masters

INSPECTOR