



Appeal Decision

No site visit made

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2025

Appeal Ref: APP/F1040/Y/24/3351578

All Saints' Church, Shardlow Road, Aston on Trent, Derby, Derbyshire DE72 2AZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Martin Nicholson on behalf of All Saints' Church Aston on Trent PCC against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/0285.
 - The works proposed are to fit hand rails to the steps at the rear of All Saints' Church, Shardlow Road, Derby DE72 2AZ.
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Decision

1. No further action taken for the reasons set out below.

Reasons

2. All Saints' Church (the Church) is a Grade I listed building. As set out at Section 7(1) of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.
3. The proposed 'works' in this case involve the installation of handrails to either side of an historic set of steps that are situated to the rear of, and that are detached from, the Church. For the avoidance of doubt, in accordance with Section 1(5) of the Act, the Church's listing includes any object or structure within its curtilage (unless separately listed) which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948.
4. The appellant has confirmed through appeal-stage correspondence that there is no intention for the proposed handrails to be physically attached to the Church's rear steps. It is instead intended that each of the handrails be fitted such that their upright supports butt up against each of the associated side stops of the steps. This is consistent with the manner in which a plan¹ for determination is annotated to indicate the handrails set into the ground beside the steps (as opposed to being physically attached to them). On this basis, no works to a listed building that would affect its character as a building of special architectural or historic interest are before me for consideration.
5. The appellant has evidenced pre-application-stage correspondence seeking clarification from the Council in terms of the type of application required. It is unfortunate that a direction was seemingly given by the Council in the absence of

¹ Ref: THP2023 Issue A

any clear understanding as to whether works to a listed building would be necessitated. Even so, as is reflected by an appeal-stage request² for observations, the appellant's application submissions are not without ambiguity that could have conceivably led to an understanding that – notwithstanding comments raised by the Council's Conservation Officer – the handrails would be fixed to the Church's rear steps in some way. This is even though now clarified otherwise in no uncertain terms by the appellant.

6. For the above reasons, no works to a listed building are before me for consideration such that no further action can be taken on this listed building consent appeal.

Andrew Smith

INSPECTOR

² via email dated 28 January 2025