



Appeal Decisions

Site visit made on 17 February 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal A Ref: APP/P1045/W/24/3352075

Rose and Crown, New Road, Boylestone, Derbyshire DE6 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Hannah Hunt against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01344/FUL.
 - The development proposed is installation of fire escape staircase.
-

Appeal B Ref: APP/P1045/Y/24/3352080

Rose and Crown, New Road, Boylestone, Derbyshire DE6 5AA

- 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 Mrs Hannah Hunt against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01297/LBALT.
 - The works proposed are installation of metal fire escape staircase and formation of new door opening to side elevation.
-

Decisions

1. Appeal A is allowed and planning permission is granted for installation of fire escape staircase at Rose and Crown, New Road, Boylestone, Derbyshire DE6 5AA in accordance with the terms of the application, Ref 23/01344/FUL, subject to the conditions listed at the end of these Decisions.
2. Appeal B is allowed and listed building consent is granted for installation of metal fire escape staircase and formation of new door opening to side elevation at Rose and Crown, New Road, Boylestone, Derbyshire DE6 5AA in accordance with the terms of the application, Ref 23/01297/LBALT, subject to the conditions listed at the end of these Decisions.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and fundamentally the same scheme. Although the remit of each regime is different, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter whilst having regard to the statutory duties that apply under Sections 16(2) and 66(1) of the Act.
4. 'The Lighthouse Restaurant' is stated after 'Rose and Crown' in the site address that has been given on both application forms. However, in the interests of avoiding any potential confusion and of ensuring consistency with the site address given on the Council's Decision Notices, I have used a single property name for the purposes of these decisions and am content that no party is prejudiced by me taking this approach.

5. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. On the basis that the latest revisions have no material implications for the outcome of these appeals, it has not been considered necessary to request any related observations from the main parties.

Main Issue – both appeals

6. Whether or not the proposed works and development would preserve the Grade II listed building known as ‘Rose and Crown Public House’ (the building), including any of the features of special architectural or historic interest that it possesses.

Reasons

7. The building is, according to its statutory list description, of early 18th-century origin with an early 19th-century addition. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, its palette of predominantly traditional external-facing materials, its collection of original/historic internal features, and the relevance of its historic public house use to the evolution and rural history of the area. Significance and special interest is further underpinned by the property’s uncomplicated linear form and vernacular appearance, which remain appreciable despite additions and alterations over time.
8. The formation of an upper floor door opening to the red-brick western gable end of the property would necessitate the loss of a small extent of historic fabric. Further, when experienced in conjunction with the modern external staircase that is intended to serve it, the new opening would be read as an anomalous addition to a simple and uninterrupted secondary elevation to the building.
9. Even so, the new opening would reference the architectural language and traditional materials of the building. Moreover, the intended non-elaborate design would feature a timber boarded door set beneath a newly formed segmental arched header comprised of reclaimed bricks. In addition, any suggestion made that the staircase necessarily be of inferior quality has not been clearly substantiated. To the contrary, I see merit in the design approach that has been deployed whereby the use of inoffensively coloured slimline metal bars/stanchions/balustrades would promote the establishment of an unimposing lightweight addition. This outcome would be especially anticipated should any final detailed staircase design feature just treads to form steps, as opposed to both treads and risers. I note here that the precise constructional details of the staircase could be secured via condition should the appeals be successful.
10. An alternative approach to constructing the staircase utilising either reclaimed brick or aged oak, as suggested by an interested party, would lead to an addition of more solid and imposing appearance that would hold greater potential to appear at odds with the building’s uncomplicated form and appearance.
11. The proposed works, I note, would not be visible from a wide range of potential vantage points. This is in-part owing to the proximity of neighbouring buildings – most specifically The Old Post Office – and the manner in which the new opening and staircase would be stepped back behind the front elevation of the building. Whilst the intended alterations/additions would be anomalous to the building and clearly visible from The Old Post Office, they would have a low-key and understated presence such that merely a minor visual effect would emerge.

12. Notwithstanding mitigating factors as discussed above, the proposed works/development would, for reasons related to a loss of historic fabric and intended additions of a not wholly sensitive nature, fail to fully preserve the building and features of special architectural or historic interest that it possesses. The degree of harm that would be caused to the significance of the building would be limited and, in the terms of the Framework, less than substantial. In accordance with paragraph 215 of the Framework, this harm should be weighed against the public benefits of the scheme.
13. In terms of such benefits, the proposals would enable the under-utilised upper floor of the building to be used for overnight guest accommodation – thus further diversifying and supporting the long-term viability of a valuable rural facility. Moreover, in view of the site's isolated location and the seemingly well-established restaurant element to the business, there is clear logic behind the aim to provide letting rooms such that patrons/guests would have the option to stay overnight.
14. Upon inspection I went inside the building and thus observed the precise composition of both the building's main staircase and upper floor windows. Subsequently, there is no clear reason for me to doubt an assertion made that an alternative means of escape is required to allow the building's upper floor to be used as guest accommodation in compliance with relevant Building Regulations. Further, whilst acknowledging the reference made by an interested party to a blocked off further stairway within the older part of the building, it would appear inevitable that any alternative internal scheme of works to achieve suitably safe and accessible/escapable upper floor accommodation would result in greater harm to the building's significance and special interest (through loss of historic fabric) when compared to the appeal proposals. These factors/findings enhance the positive weight that should be rightfully applied to the scheme's public benefits.
15. All related matters considered, I identify that the public benefits of the scheme attract significant weight. In my judgement, in accordance with the relevant policy test contained within the Framework, the proposals' public benefits would outweigh the less than substantial harm I have identified would be caused to the heritage significance of the building. This is whilst acknowledging that less than substantial harm to a designated heritage asset carries great weight.
16. Thus, the scheme accords with the historic environment conservation and enhancement policies contained within the Framework. Although there is some degree of conflict with Policy PD2 of the Derbyshire Dales Local Plan (December 2017) (the DDLP) in so far as it requires that heritage assets will be conserved in a manner appropriate to their significance, there is identifiable compliance with Policies PD1, S9 and HC15 of the DDLP in so far as these policies require development to achieve a satisfactory relationship to adjacent development and offer support to proposals which protect, retain or enhance existing community facilities.
17. Thus, the proposal that is the subject of Appeal A accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

18. In the interests of certainty, a condition is required, in the case of each appeal, specifying the approved plans. Further, in the interests of preserving the building,

additional conditions are required in relation to the listed building consent appeal requiring full constructional details of the different elements of the scheme to be submitted for approval prior to the commencement of works.

Conclusion

19. For the above reasons, I conclude that both Appeal A and Appeal B should be allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1652-101 P1 (Site Location Plan); Site Plan (1652-104 P1); 1652-101 P1 (Fire Escape Elevations); 1652-105 P1 (Staircase Floor Plans).

Schedule of Conditions – Appeal B

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 1652-101 P1 (Site Location Plan); Site Plan (1652-104 P1); 1652-101 P1 (Fire Escape Elevations); 1652-105 P1 (Staircase Floor Plans).
- 3) Prior to the commencement of works, full constructional details (to include: structural detail at a scale of 1:50; material; colour; and finish) of the staircase hereby consented shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved details.
- 4) Prior to the commencement of works, full constructional details (to include: fully dimensioned vertical and horizontal sections at a scale of 1:5; mouldings at a scale of 1:1; and internal and external lintel details at a scale of 1:10) related to the new door opening hereby consented, together with full details of the design and pattern of said door, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved details.

-----END OF SCHEDULES-----