



Appeal Decision

Site visit made on 23 April 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025.

Appeal Ref: APP/K3415/W/24/3357332

19 Queen Street, Lichfield, Staffordshire WS13 6QD

- 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 Mr David Kershaw (Central Garage) against the decision of Lichfield District Council.
 - The application Ref is 23/00989/FUL.
 - The development proposed is described as “demolish the existing valeting bay and removal of the containers, to be replaced with a new building to serve as a MOT/Diagnostics building”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the appeal site is located outside of, but adjacent to, the Lichfield City Conservation Area. No statutory protection for the setting of a conservation area is present under the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in accordance with paragraph 213 of the National Planning Policy Framework (the Framework), I have had regard to the effect of the proposal on the significance of the Conservation Area as a designated heritage asset, including from development within its setting.
3. The appeal site is also situated within close proximity to a listed building. In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

4. The main issue is the effect of the proposed development on the significance of the Lichfield City Conservation Area, The Queens Head Public House, a Grade II listed building and the Church of St Mary, a Grade II* listed building, through development within their settings.

Reasons

Significance and settings

5. The appeal site lies just outside of the Lichfield City Conservation Area (the CA). The CA is extensive and includes the city centre core and its environs that contains well designed and older historic buildings.

6. The Lichfield City Conservation Area Appraisal (2008) (the CAA) explains that given its size and varied character, the CA is divided into a series of 'character areas'. Whilst proximate to 'Character Area 4' as cited by the appellant (relating to Friary and Festival Gardens), the appeal site is adjacent to 'Character Area 9' which is characterised by continuous built frontages and relatively uniform building lines, heights, proportions and materials which presents a coherent character. The predominate building type in the vicinity is Georgian, three-storey, red brick. The significance of the CA, insofar as it relates to this appeal, therefore derives from its architectural and historical interest.
7. Near the appeal site, views along Queen Street in both directions are identified as important in the CAA. Approaching the city from Queen Street, buildings that are typical of the CA Character Area, including the Queens Head Public House, channel views down to Sandford Street towards the centre, where the spire of the Church of St Mary (the Church) is prominent. In the opposite direction, exiting the CA, views open out towards the Festival Gardens, around which is more modern development that is set back from the highway with an irregular character and appearance.
8. The appeal site comprises a car park area with a single-storey, flat roofed building constructed from red brick and profiled metal and containers which are set back from the highway. The main building is understood to be in use for car valeting services in association with the garage premises on the opposite side of the street. The appeal building is of no architectural or historic interest and its form and materials directly contrasts with the prevailing character and appearance of the CA. Whilst its scale, form and positioning reduce its prominence in the street scene, the modern building and parking forecourt that surrounds it nevertheless make a negative contribution to the setting of the CA. Furthermore, the garage to the south and 3/4-storey building to the north are both identified as negative buildings in the CA by the CAA, views of which are considered to detract from its significance.
9. The Queens Head Public House (the PH) is a Grade II listed, three-storey Georgian style, red brick and tile roof building with brick end stacks, constructed in the 1830s. The building has a symmetrical 3-window façade with a single-storey service wing to the left and is set at the back of the pavement. The building is typical of development in this Character Area of the CA, is a prominent building on approach into the CA and is identified as being part of an important cluster of buildings by the CAA. The significance of the PH, insofar as it relates to this appeal, is derived from its architectural and historic interest.
10. The appeal site has a close relationship with the PH and the existing buildings on site are intervisible with the listed building on approach and exit from the CA. The area surrounding the PH has been subject to modern development, including the large buildings to its rear and both garage sites. The PHs relationship with the more traditional buildings to the north-east contributes positively to its setting, however its setting is somewhat diminished by the presence of surrounding modern development, including the appeal site, which conflicts with the character and appearance of the CA. Surrounding modern development has been designed so as not to obscure views of the PH and into the CA and to retain a degree of spaciousness around the PH. But nevertheless, given the nature and character of the surrounding development described above, the appeal site makes a negative contribution to the setting of the listed building.

11. The Church of St Mary is a Grade II* listed rock-faced stone and decorated building that was rebuilt in the 18th Century. The church spire of the building is a prominent landmark feature of many near and distant views into the City, including down Queen Street when travelling past the appeal site towards the CA. The special interest and significance of the Church is derived in part from its architectural and historic interest. The Church is a focal point of the Market Place and the built backdrop of the historic core of the city positively contributes to the building's significance.
12. The Council notes that the Church is visible from the appeal site and that the approach into the city along Queen Street is a key view as previously described. However, there is nothing in the Council's evidence to suggest how it considers the appeal site to contribute to the setting, and therefore significance, of the Church. The appeal site is in excess of 400 metres to the south-west of the Church, between which are many intervening buildings of varying ages and character. The appeal site is on the periphery of the CA, away from the historic core of the city and is well separated from the Church. Consequently, I consider it to make a neutral contribution to its setting.

Effect of the proposed development

13. The proposal is to replace the existing structures with a three-bay building associated with the existing garage. The building would be larger in footprint and approximately double the height, positioned closer to the site boundaries and would occupy most of the plot depth. Whilst the building would be constructed from brick at low level on all elevations, which would be an improvement over the existing materials, the scale and massing would be significantly increased. This, coupled with its positioning closer to the highway and intimate relationship with its boundaries, would result in a prominent and dominating building in the street scene and in key views into the city towards the CA. Whilst the existing building currently has a negative effect in the street scene, the proposed building would undermine the existing buildings recessive qualities and would be decidedly more prominent, resulting in a greater degree of harm.
14. Furthermore, on approach into the City and CA, views of the PH would be dominated, and to some degree obscured, by the proposed building. Whilst it would be set on the opposite side of the appeal site to the PH, the height and width of the building would result in a dominating form of development that would further erode the spaciousness in the street scene and setting of the listed building. Whilst I note that other commercial developments exist proximate to the site, some of which are of a similar design, these are typically set back from the highway to reduce their prominence. However, in some cases these buildings are identified as negative features that affect the setting of the CA in any event, and similarly affect the setting of the PH. The appeal scheme would add to this, resulting in an incongruous and dominating form of development within the setting of the PH which would further affect the ability to appreciate and experience the listed building, harming its significance.
15. I appreciate that the building has been designed to meet the needs of the business and would replace an existing building that already makes a negative contribution to the setting of the CA and the PH. However, the scale, design and positioning of the replacement building would result in a more incongruous two-storey form of development with a heightened presence in the street scene, obscuring attractive views of both assets and undermining the more positive characteristics of the existing building which reduces its effect on the setting of the CA and PH. The development would therefore detract from key views and thus impact the ability to experience and

appreciate the approach into and settings of the CA and the PH. This would harm the significance of the CA and the PH through development within their settings.

16. I note the appellants commentary about the original establishment of the garage business within the CA, such that it should be considered as part and parcel of its character and appearance. However, this does not outweigh the harm to the CA and the PH that I have identified.
17. Turning now to the Church, as set out above, the development would alter views along Queen Street in the CA, from which the Church is visible. However, notwithstanding my conclusions in relation to how this would affect the setting of the CA and the PH, the development would not obscure views of the church or affect them sufficiently to result in harm to its setting. The Church spire would remain both visible and dominant in views along Queen Street and the development would not affect the ability to appreciate its significance. Accordingly, I find the development would preserve the setting and special interest of the Church of St Mary.
18. I therefore conclude that the proposed development would harm the significance of the CA and would fail to preserve the setting and special interest of The Queens Head Public House through development affecting their settings. The development would therefore conflict with Core Policy 14 and policies BE1 and BE2 of the Lichfield District Local Plan Strategy 2008-2029 which, amongst other things, seek high quality design that conserves and enhances the built and historic environment, including the safeguarding of locally important views, and preserves the significance of designated heritage assets.

Public benefits

19. Given the above, I find that the proposal would fail to preserve the special interest of the PH and the significance of the CA. Given the nature and scale of the development, coupled with its relationship with the PH and the CA, the harm I have identified to these designated heritage assets would be less than substantial. Nevertheless, it would constitute harm, and this attracts considerable weight and importance in my decision. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. Paragraph 215 of the Framework requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal.
20. The development would reuse a brownfield site within the city centre boundary and would provide services for the community. The appellant puts forward that the development would allow a well-established local business to expand and support the local economy. The business currently employs 28 staff, and the appellant states the development is required to secure these existing jobs and increase the likelihood of further jobs being created. They also advance that the development would enable the business to adapt to the change from combustible engines to electric vehicles. However, I have not been presented with any persuasive evidence in relation to the current viability of the existing business and job security and the implications should the appeal scheme not go ahead. Nor has sufficient evidence been provided to demonstrate how the development would enable the business to expand, or whether and how many, new jobs would be created.
21. Nevertheless, the development would increase the floor area of buildings relating to this business and thus could perceivably increase its capacity. I therefore consider the

development could deliver some economic benefits through supporting the operation of this local business in addition to the economic benefits during construction, which would be public benefits. However, I can give this no more than moderate weight in the absence of sufficient evidence in this regard. The appellant suggests a condition to secure biodiversity enhancements and habitat management which could provide biodiversity benefits. However, I have minimal evidence before me in this respect and therefore I cannot be certain on the level of benefits this would bring. Subsequently, I can give this no more than limited weight in support of the appeal.

22. No harm has been identified in respect of the effects of the development on living conditions, existing trees, highway safety or other planning matters. Furthermore, I note that no objections have been received from interested parties. However, the absence of harm in respect of these matters' weighs neither for, nor against the proposal.
23. Whilst I note the existing appearance of the appeal site is harmful to the setting of the CA and the PH, I have concluded that the proposed development would result in a greater degree of harm, and I am not convinced that the appeal scheme is the least harmful way of redeveloping the site and securing the same benefits to the business. Thus, the site's current appearance does not outweigh the harm I have identified.
24. Paragraph 202 of the Framework states that heritage assets are an irreplaceable resource. The public benefits of the proposal carry some weight in combination, however on the basis that paragraph 212 of the Framework establishes that great weight should be given to the conservation of a heritage asset, I am not satisfied that they would be sufficient to outweigh the degree of harm identified.

Other Matters

25. The appeal site lies within the 15km buffer zone of influence of the Cannock Chase Special Area of Conservation, which is a European site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). However, as I am dismissing the appeal for another reason, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an appropriate assessment.
26. I note the appellant has suggested a list of conditions for consideration in the event the appeal is allowed. In addition to the biodiversity condition already mentioned, these conditions relate to the timescale for implementation, plans, submission of details relating to materials, external lighting, drainage, restriction on construction hours and a construction vehicle management plan. However, the suggested conditions would not negate the harm I have identified in respect of the main issue.

Conclusion

27. For the reasons given above, the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR