
Appeal Decision

Site visit made on 16 February 2026

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2026

Appeal Ref: APP/R1010/C/25/3360850

Land to 3 Park Street (also known as South Lodge), Barlborough, Chesterfield S43 4ES

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Max Paul Telero against an enforcement notice issued by Bolsover District Council.
- The notice was issued on 15 January 2025.
- The breach of planning control as alleged in the notice is:
Without planning permission, unauthorised building operations comprising 2no. freestanding pergola structures in the approximate locations edged blue on the attached plan and the erection of timber boundary fencing sited behind the post and rail fencing to the northern and eastern boundaries marked A-B and C-D on the attached plan.
- The requirements of the notice are:
 - a) Permanently remove the unauthorised 2 no. freestanding pergola structures from the land.
 - b) Permanently remove the unauthorised timber boundary fencing to the northern and eastern boundaries (marked A-B and C-D on the attached plan) from the land.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Applications for costs

1. An application for costs was made by Mr Max Paul Telero against Bolsover District Council. This application is the subject of a separate Decision.

Preliminary Matters

2. The Council has, in the Enforcement Notice, described the land to which it relates as land to 3 Park Street (also known as South Lodge). In the interests of brevity, I will herein refer to it as South Lodge.
3. South Lodge is a Grade II listed building within the Barlborough Hall Grade II registered park and garden (RPG) which forms part of the setting of the Grade I listed Barlborough Hall (the Hall). It is also within Barlborough Conservation Area (CA). Therefore, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving such buildings or their settings or any features of special architectural or historic interest which they possess. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with Section 72(1).

The Appeal on Ground (a) and the Deemed Planning Application

4. Appeals on ground (a) are made on the basis that planning permission should be granted for the development alleged in the notice.

Main Issues

5. The main issues are;
 - whether the development preserves the Grade II listed South Lodge and its setting;
 - the effect of the development on the significance of the Grade II RPG and the setting and significance of the Grade I listed Hall; and
 - whether the development preserves the character or appearance of the CA.

Reasons

6. South Lodge is a single storey building constructed in the mid-19th century. It is located at the end of Park Street and marks the entrance to the grounds of the Hall. It is in a Tudor style, constructed in sandstone ashlar with a stone slate roof. Its architectural features include stone coped gables with moulded kneelers and ball finials. Insofar as it is relevant to the appeal, its significance and special interest are derived from its historic links to the Hall and the RPG, and its historic fabric and high-quality architectural features. Its garden setting positively contributes to its significance.
7. The RPG is extensive in area. It originates from the 16th century and comprises the walled gardens laid out around the Hall, a garden pavilion and parkland known as South Park. South Park extends to the village and adjoins South Lodge. It consists largely of open pasture with scattered trees. The significance of the RPG is derived from the relationship with the Hall and the evidence of its development from the 18th century. South Lodge, as a gatehouse, makes a positive contribution to the significance of the park and garden, in its position on the southern boundary and at a historic entry point.
8. The Hall was built for the prominent judge Sir Francis Rodes, probably by Robert Smythson, and is dated 1583 and 1584. It is a substantial, high-status country house now in use as a school, with a historic and intimate association with the surrounding parkland and associated buildings. It is located approximately centrally within the RPG and is therefore some distance from South Lodge. Its significance, in the context of this appeal, derives from its grand architectural qualities, surviving historic fabric and its relationship to the surrounding landscape.
9. The CA is extensive, including the historic setting of the village core, which remains intact, and the RPG which, in combination, result in a heritage asset of great historic worth. Its significance in part is derived from the historical import and landscape quality of the Hall and its park and gardens, as well as the high architectural quality of the buildings dating from the 16th to 19th century.
10. The pergolas are freestanding structures. One is sited against the side of a recently constructed detached garage, in a position very close to South Lodge. The second is sited directly adjacent to the rear elevation of this listed building,

against a part that did not contain any openings when constructed but, nonetheless, is of historical and architectural interest.

11. Each pergola extends to eaves height with a trellis roof of heavy-set oak timbers supported by bulky stone columns topped with sizable capitals. They are, therefore, substantial structures that appear as prominent and disproportionate additions to the modestly scaled South Lodge and its garden.
12. I acknowledge that pergolas are typical garden features, and that there are stone columns at the Hall. Nevertheless, the use of timber and stone columns bear little relationship with the design of South Lodge and, consequently, appear as uncharacteristic additions within its setting. They draw attention away from its high-quality architectural features and intrude into the open garden area thereby diminishing the way that this listed building is experienced. Thus, the pergolas have a harmful effect on the setting, and the significance, of the Grade II listed building.
13. In reaching this conclusion, I have taken account of the fact that the historic fabric of the listed building has not been affected, and that the pergolas are reversible additions. However, such factors do not materially reduce the harm that I have identified and, given the intention is to retain these structures in the long-term, such harm will be long lasting.
14. The trellis roof of the pergolas and the top of the columns are visible from outside of the appeal site. Due to their disproportionate scale and use of inappropriate materials they appear incongruous and unexpected within the immediate setting of South Lodge. They are inconsistent with its historic role as a low-key gateway building at the entry point into the RPG. Consequently, they harmfully effect the significance of the Grade II RPG, and thereby the wider setting of the Hall, and, additionally, harm the character and appearance of the CA.
15. The evidence before me suggests that, historically, there has been a boundary treatment around South Lodge. More recently this comprised a timber post and rail fence and wire netting. Based on the photographic evidence before me this retained a visual connection to the RPG due to its lightweight and open appearance but did not provide privacy.
16. By reason of its height, materials and design, the largely solid, vertical timber boarded fence that has been erected on the northern and eastern boundary has an overtly urban appearance in stark contrast with the open, pastoral character of the RPG. Hedge planting has been carried out within the garden behind the fence and in front of it on the eastern boundary, which broadly reflects the landscape of South Park. Nonetheless, the fence encloses the property in a manner that acts to sever the historical visual relationship between South Lodge and South Park, thereby harming the significance of the RPG, and, in turn, the significance of the Hall. In doing so it also adversely affects the character and appearance of the CA.
17. I accept that the hedge will grow and, in time, will provide a greater level of screening. However, as no effective planting has been carried out in front of the fence along the rear boundary it will continue to be prominent in views from within the RPG. Accordingly, some harm would remain.
18. My attention has been drawn to a fence at Holly Cottage of a similar height and style to those erected on the appeal site. Although also a Grade II listed building, it

is within the historic core of the village and, unlike South Lodge, does not have an intimate and direct physical relationship with the RPG. The development at the council owned bungalows and the Heritage Centre that I have been referred to is also outside of the RPG. Accordingly, such examples are not like the case before me and, therefore, there is no requirement that I allow the development to ensure consistency of decision making. The outbuilding at 14 Park Street is not a comparable form of development to the pergolas and fence and, therefore, even if I were to agree that it is harmful to the RPG and CA, any weight that it might have in favour of the development at South Lodge is minimal.

19. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). With reference to paragraph 214 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, the harm would be at the lower end of 'less than substantial', but is nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
20. The pergolas provide shade within the garden area thereby making it more usable in hot and/or sunny weather. The fence reduces glare from headlights, provides some privacy and personal/pet security, and provides a barrier and separation from land which is regularly used by children. However, it seems to me that there would be other solutions to address such issues that would be less intrusive than the pergolas and vertical boarded fencing that have been erected. Furthermore, such benefits are primarily private.
21. The public benefits arising from the development, which in my view, are the contribution it makes to the continued residential occupation of South Lodge which adds to the housing supply and secures the optimal use of a listed building, and any child safeguarding gains, are minimal. Accordingly, they are not sufficient to outweigh the identified harm to the listed buildings, the RPG and the CA.
22. I therefore find that the development harms the Grade II listed South Lodge and its setting, the significance of the Grade II RPG and thereby the setting and significance of the Grade I listed Barlborough Hall, and the character and appearance of the CA. Consequently, it is contrary to policies SS1, SC2, SC3, SC17 and SC20 of the Local Plan for Bolsover, 2020, which, amongst other things, seek to protect, conserve and enhance heritage assets.

Other Matters

23. Representations were made to the effect that the rights of the appellant under the Human Rights Act 1998 (HRA) would be violated if the appeal were dismissed. However, as I have set out above, whilst the fence provides privacy and security to the garden area, and the pergolas provide shade, such benefits could be secured through other solutions. Accordingly, I am satisfied that the refusal of planning permission for the development would not unacceptably interfere with the appellant's rights to peaceful enjoyment of their possessions, and to a private and family life and home.
24. In accordance with the Framework, I attach substantial weight to the identified harm to heritage assets. The appellant's needs for privacy and shade only carry

moderate weight and do not clearly outweigh that harm. I have had due regard to the Public Sector Equality Duty (PSED) set out under the Equality Act 2010. The harm caused by the development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

25. Consequently, having regard to the HRA and PSED I conclude that it is proportionate and necessary to dismiss the appeal.
26. I acknowledge the appellants' concerns regarding the Council's handling of this case and a request under the Freedom of Information Act, alleged unauthorised surveillance, and the apparent inconsistency with the approach taken in respect complaints relating to alleged breaches of planning control nearby. However, such matters are not relevant to my findings on the planning merits of the development that is before me and, therefore, fall outside of the remit of this decision.

Conclusion

27. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

28. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elaine Moulton

INSPECTOR