

8. LISTED BUILDING CONSENT APPLICATION - FOR THE DEMOLITION OF EXISTING BOUNDARY WALL, CHANGE OF USE OF AGRICULTURAL LAND TO FORM DOMESTIC CURTILAGE WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS AND ERECTION OF GARDEN SHED, AT CHAPEL HOUSE, WARSLOW (NP/SM/0723/0758, DH)

APPLICANT: MR DAVID CRITCHLOW

Summary

1. The application is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
2. The dwelling is a former Methodist Chapel which is listed Grade II. The site lies within the designated conservation area. When the conversion to a dwelling was granted an area to the west was allowed as domestic curtilage.
3. The provision of a domestic curtilage to the east of the dwelling would have a detrimental effect on the setting and significance of the listed building as it would unacceptably alter its character and appearance.
4. The application is recommended for refusal.

Site and Surroundings

5. Chapel House is the former Methodist Chapel which stands on the north side of Leek Road, to the north-west edge of Warslow.
6. The Chapel, its forecourt wall, railings, gate and piers were listed Grade II on the 15th of March 1985. There are no other listed buildings in the vicinity. The site lies within a designated conservation area.
7. The site comprises the two-storey dwelling with a walled curtilage to the west side which includes the vehicular access, parking provision and areas of raised garden.
8. The nearest neighbouring properties are The Cottage to the east at a distance of approximately 17m from the east wall of the building, and 1 Sunnylea Cottages, 29m to the north-west. To the north and south are open fields.

Proposal

9. The proposal is for the change the use of an area of land to the east side of the dwelling and to domestic curtilage, including the demolition of the existing boundary wall, the siting of a garden shed, and associated hard and soft landscaping works.
10. Amended plans were received 17 October which omitted the patio and relocated the proposed shed to the west side, i.e. within the existing domestic curtilage.

RECOMMENDATION:

11. That the application be REFUSED for the following reason:

- **The change of use and enclosure of the agricultural land to the east of the listed building would harm the character, appearance and significance of the Grade**

It listed property, its setting, and the character and appearance of the designated conservation area within which it lies. In the absence of any public benefits which could outweigh the harm that has been identified, it is considered that approval of the proposal would be contrary to Core Strategy policy L3, Development Management Plan policies DMC5, DMC7 and DMC8, and the National Planning Policy Framework.

Key Issues

- 12 The key issues are the impact of the proposed works on the special historic and architectural interest of the listed building and its setting.

History

- 13 1997 - The conversion of the chapel to a dwelling was granted subject to conditions by NP/SM/0896/066
- 14 2012 – An enforcement case, reference 12/0134, regarding the breach of conditions 4, 8, 10 and 11 on NP/SM/0896/066 was opened and the issues of the unauthorised flue, satellite dish and window finish remain outstanding.

Consultations

- 15 Staffordshire County Council (Highway Authority) – No highway objections.
- 16 Staffordshire Moorlands District Council – No response to date.
- 17 Warslow and Elkstones Parish Council – Support the application.
- 18 PDNPA Conservation Officer – Object – The former Methodist Chapel as a listed building of special architectural and historic interest, and is of high significance. The enclosed forecourt is a significant historic enclosure, and is listed. The drystone boundary wall to the east of the Chapel is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The proposal would have a negative impact on the historic character and setting of the listed former chapel, and on the character of this part of the Warslow Conservation Area, resulting in harm to both designated heritage assets.
- 19 PDNPA Archaeologist – Due to the fact that the building originated as a Methodist Chapel consideration needs to be given to the possibility of burials and internments around the chapel building. The current roadside wall is on a historic alignment (the diagonal alignment) the historic diagonal alignment should be retained.

Representations

- 20 During the publicity period, the Authority has not received any representations regarding the proposed development.

Main Policies

- 21 Relevant Core Strategy policies: L3
- 22 Relevant Local Plan policies: DMC5, DMC7 & DMC8
- 23 National Planning Policy Framework

Wider Policy Context

- 24 National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
 - When national parks carry out these purposes they also have the duty to:
 - Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

- 25 The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 26 Paragraph 176 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
- 27 Chapter 6 of the NPPF is of particular relevance as it relates to conserving and enhancing the historic environment.
- 28 Paragraph 195 states that local planning authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 29 Paragraph 196 says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 30 Paragraph 197 states that in determining applications, LPAs should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 31 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 32 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- 33 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Peak District National Park Core Strategy

- 34 GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage
- 35 GSP3 - *Development Management Principles*. GSP3 states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 36 L1 - *Landscape character and valued characteristics*. L1 states that all development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
- 37 L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. Policy L3 relates to cultural assets of archaeological, architectural, artistic or historic significance. It states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.

Local Plan Development Management Policies

- 38 DMC3 - *Siting, design, layout and landscaping*. DMC3 states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
- 39 DMC5 – *Assessing the impact of development on designated and non-designated heritage assets and their settings*. DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings. The policy

requires applications for development affecting a heritage asset to demonstrate its significance and how any features will be conserved or enhanced and why the proposed development is desirable or necessary. DMC5 (E) states that if applicants fail to provide adequate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused. DMC5 (F) development will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there a clear and convincing justification is provided.

- 40 DMC7 – *Listed buildings*. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that development will not be permitted if it would adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or result in the loss of or irreversible change to original features or other features of importance or interest.
- 41 DMC8 – *Conservation Areas*. Policy DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.

Assessment

Principle of the development

- 42 The National Park Authority has a statutory purpose under the Environment Act 1995 to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.
- 43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be had to the desirability of preserving the setting of listed buildings.
- 44 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 73 places a general duty upon decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 45 If it can be demonstrated that proposed works to listed buildings are desirable or necessary, and would not harm the significance of the listed building and its setting or detract from the valued characteristics and the scenic beauty of the wider landscape, in principle they would be acceptable.

Heritage Impacts

- 46 As noted, the conversion scheme which was granted included the provision of a domestic curtilage to the west side of the former Chapel. The area to the west is accessed via the paved forecourt. Therefore, the character, appearance and significance of the former Chapel have already been eroded to some extent at the west side, but this was in order to give the building a viable use and ensure its longevity, in line with policy DMC10 which relates to conversion of a heritage asset.
- 47 The proposal is to provide additional domestic curtilage to the east side of the building, which is currently agricultural land. The introduction of domestic curtilage to both sides of the building would further erode the original character of the Chapel. Although its setting has already been eroded to the west side, the historic setting remains largely intact, with the surrounding agricultural landscape coming up to the walls of the building to both north and east. The proposal would undermine the historic, agricultural setting as only the rear (north) elevation to the building would remain adjacent to the surrounding agricultural landscape.
- 48 The proposed domestic curtilage would be accessed via the paved forecourt to the Chapel which is a significant historic enclosure, and is listed. It is acknowledged that the west side of the enclosure has been removed as part of the approved conversion scheme to allow access to the parking area from within the site. However, removing the wall to the east side too, would further erode the character and have an adverse impact on the significance.
- 49 The drystone boundary wall to the east of the Chapel which runs on a diagonal line just behind the roadside boundary wall is specifically identified in the Warslow Conservation Area Appraisal and is of historic interest. The wall is in a very poor state of repair and the proposal is to remove this boundary to open up the area to the east side of the building. This would result in the total loss of a historic feature, and would have a detrimental effect on the setting of the listed building and on the character and appearance of the designated conservation area, harming the significance of both.
- 50 The amended plans have removed the overly domestic features, namely the patio and the shed. The shed is still shown on the proposals but as amended the location would be to the west side in the north-west corner of the existing domestic curtilage. In this position, although planning permission is required, no historic fabric is impacted and Listed Building Consent is not required.
- 51 Nonetheless, the erection of boundary walls would alter the visual relationship of the Chapel with the wider landscape. The proposed scheme fails to preserve the character and appearance of the building and its setting, and also harms the character and appearance of the Warslow Conservation Area. The harm to the significance is not outweighed by any public benefit as the property, as converted, was allowed amenity space to the west.
- 52 As such, it is concluded that the proposals are contrary to L3, DMC5, DMC7 and DMC8.

Conclusion

- 53 The change of use and enclosure of the agricultural land to the east of the listed building would have a detrimental effect on the heritage asset and its setting. The proposals do not provide any public benefit, being for private use.
- 54 It is concluded that the proposals would cause harm to the character, appearance and significance of the original building, its setting, and the designated conservation area.

55 Consequently, it is considered that the proposals are contrary to Core Strategy policy L3, Development Management policies DMC5, DMC7 and DMC8, and national planning policy.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author and Job Title

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