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# Appeal Decision

Site visit made on 4 July 2012

**by A L Fairclough BSC(Hons) MA LLB (Hons) PGDipLP IHBC MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 August 2012**

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**Appeal Ref: APP/T2350/D/12/2175885**

**Great Mitton Hall, Mitton Road, Mitton, Clitheroe, Lancashire, BB7 9PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Kay against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2011/0849 was refused by notice dated 22 March 2012.
  - The development proposed is proposed new detached garage, boundary wall, gates and hard landscaping.
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## Procedural Matters

1. During the course of consideration by the Council, amended drawings were received. It is on the basis of the amended drawing reference 3758/4/2b (stamped as received by the Council on 7 February 2012) that I determine the appeal.
2. Since the refusal of planning permission, the National Planning Policy Framework (the Framework) has been published, cancelling, amongst other things, *Planning Policy Statement 5: Planning for the Historic Environment* (PPS5). I have dealt with the appeal on the basis of the Framework and note that none of the policies referred to in the Ribble Valley Districtwide Local Plan (LP), adopted in 1998, are at odds with the general approach therein

## Decision

3. The appeal is dismissed.

## Main issues

4. Great Mitton Hall is a Grade II Listed Building. It is positioned on an escarpment above the nearby River Ribble and is adjacent to several other buildings including All Hallows Church, a Grade I Listed Building, and across the road from the 'Aisled Barn' at Mitton Old Hall Farm which is also a Grade II Listed Building. Also it is situated adjacent to the Forest of Bowland, which is an Area of Outstanding Natural Beauty (AONB).
5. On this basis the main issue to be considered is the effect of the proposed development on the setting of the nearby listed buildings and the character and appearance of the locality, including the AONB.

## Reasons

6. Great Mitton Hall is a 2-storey building, which is constructed in stone with a steep slated roof. It is set back from the road behind a tall hedge. However, it is visible from the gated vehicular entrance by passing traffic/pedestrians. An

important part of the overall architectural and historical character is the form and style of the building and the traditional use of stone for both its construction and its decoration. Thus the appeal property is an important heritage asset with a distinctive character. Although Mitton Road divided the Hall from its farm buildings many years ago, including the 'Aisled Barn', there is a strong visual and historic connection between the barn, hall and church. Thus Great Mitton Hall and its relationship with the barn and church, plus its position within a small hamlet on the escarpment, significantly contribute to its uniqueness and distinctiveness.

7. The proposed works include the construction of a stone wall with an integrated garage structure within the front courtyard of the appeal building; in this position it would be adjacent to Mitton Road. The existing conifer hedge would be removed and a stone wall of some 1.6m high would be constructed. The proposed roof of the garage structure would sit atop the new wall. The open garage structure would have a footprint of some 6.3m by 8.2m.
8. Although the appellant has undertaken landscaping works to the rear garden, I do not agree with the analysis that the location of the proposed garage would be located in a 'less significant' part of the curtilage. The courtyard area forward of the south west elevation of Great Mitton Hall, close to Mitton Road, is an important part of the setting of the heritage asset and it is evident from the historic design and details that the rear elevation is architecturally of lesser historic importance than the front elevation of the listed building. Whilst the character and appearance of buildings and their settings change over time and following development or alteration, the courtyard space adjacent to the main front elevation of Great Mitton Hall is important to the integrity of the setting of the historic building.
9. The height and design of the wall and the addition of a roof structure atop it would create a cramped form of development within the small front courtyard area. Furthermore, the height of the proposed wall and the erection of a roof structure above it would form an incongruous and prominent feature when viewed from Mitton Road. This would be visually conspicuous and strident feature which would undermine the setting of Great Mitton Hall and the 'Aisled Barn'. Additionally it would harm the character and appearance of the general locality. It would also create a discordant feature close the nearby AONB. Moreover, the proposed wall and gate would reduce existing views of All Hallows Church and as such would harm the historic setting of the church when viewed from the road.
10. The harm it would cause to the significance of the listed buildings is less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appellant indicates that Great Mitton Hall is a large family house which is expensive to keep and maintain. He alleges that it would be normal to keep garaging for cars in a property of this size. The appellant states that a garage would protect his vehicles from the weather, it would keep them secure and it would screen them from view. In addition appellant considers that the existing conifer hedge detracts from the setting of the hall and the new stone wall would improve the appearance of the area. I also note that the appellant contends that the cars are visible in front of the Hall. However, the parking of

cars within the front courtyard area would be less visible than the proposed development.

12. Although the appellant states that the removal of the conifer hedge would improve the character and appearance of the locality, part of the hedge would remain and so it would not improve the character entirely. In addition the drawings submitted do not indicate a traditionally constructed dry stone wall as stated by the appellant. I note that dry stone walls can be higher than the standard height of some 1.37m. However, few have details such as copings and sloping walls as indicated in the drawings. A condition relating to the details of the construction of the wall would not overcome my concerns regarding the harmful effect of the scheme that I have identified. The creation of pedestrian gates and pathways to the front door may be a benefit to the appellant and his family. Whilst upkeep of this listed building is in the public interest, and can be considered a public benefit, I do not consider that upkeep of Great Mitton Hall is so significantly related to the appeal scheme that this should attract material weight. Thus I conclude the matters raised represent essentially private benefits.
13. I conclude that the benefits provided by the proposed development are insufficient to outweigh the harm it would cause to the setting of the listed buildings or the adjacent AONB. It conflicts with the Framework and saved LP Policies ENV19, G1 and ENV2, which relate to the preservation of the setting of listed buildings, that development should be sympathetically designed and that land adjacent to an AONB should be conserved and wherever possible enhanced respectively.

### **Conclusions**

14. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should fail.

*Mrs A Fairclough*

INSPECTOR