

Statement of Common Ground between the appellant (Mr and Mrs Kay) and the Local Planning Authority (Ribble Valley Borough Council)

Appeal reference: APP/T2350/W/18/3214150

LPA planning application reference: 3/2018/0474 (planning) and 3/2018/0468 (listed building)

Date of hearing: TBC

Site address: Great Mitton Hall, Mitton Road, Mitton, Clitheroe

Description of Proposed Development: erection of single storey extension to the south of an existing modern extension to Great Mitton Hall; the reconfiguration of the exiting patio and railings; the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window; the re-painting of the existing rendered gable to the hall.

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1. THE PLANNING APPLICATION

The planning and listed building consent applications (LPA reference numbers 3/2018/0474 and 3/2018/0468) were validated by the LPA on 31 May 2018 and sought planning and listed building consent for the erection of single storey extension to the south of an existing modern extension to Great Mitton Hall; the reconfiguration of the exiting patio and railings; the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window; the re-painting of the existing rendered gable to the hall.

1.1 The application was determined based upon the following plans and technical reports:

- (a) Drawings by Pullman Associates Architects:
 - (i) M18-07-01 - Location and Site Plan;
 - (ii) M18-07-02 - Existing Floor Plans and Elevations;
 - (iii) M18-07-04 - Proposed Floor Plans and Elevations.
- (b) Documents by Heritage Collective:
 - (i) Heritage Assessment (including historic maps and photographs) dated May 2018 (reference 4004);
- (c) Documents by Knights:
 - (i) Planning Statement dated May 2018 (reference KAY159/1/PS)

2. CONSULTATIONS

- 2.1 ~~Given the minor nature of the proposals,~~ no objections were raised in response to the proposals from immediate neighbours.
- 2.2 Historic England were consulted on the proposal, however Historic England did not wish to offer any comments, deferring consideration of the application to the council's own specialist conservation and archaeological advisers as relevant.
- 2.3 No formal consultation response from the council's conservation officer was published on the web site, however during discussions with officers, the case officer dealing with the application confirmed that he was a principal planning officer for design and conservation. Therefore, the views of the conservation officer comments are covered in the officer report.
- 2.4 The Lancashire Archaeological Advisory Service was consulted upon the application. ~~This response did not raise any material objections to the proposal on archaeological grounds, however observations and comments were made on the wider aspects of the proposal outside of the scope of an archaeology consultation.~~ Full comments could not be provided because the Heritage Statement does not consider buried remains and archaeological deposits. Concerns are expressed in respect to the proposed change in paint colour.

3. DESCRIPTION OF THE APPEAL SITE AND SURROUNDINGS (NOT EXHAUSTIVE)

- 3.1 Great Mitton Hall was listed in 1954 and was originally constructed ~~in the 17th century~~ “c.1600” in the list description. It comprises two stories with an attic and cellar. It is constructed from coursed rubble with a slate roof. A gabled, single storey extension projects at a right angle from one end of the south-western elevation. This extension was constructed after the building was listed, with the planning history records indicating that this extension was constructed during the 1990's.
- 3.2 The existing single storey extension is a modern addition which forms a partially enclosed courtyard to the west of the ~~original hall~~ extant historic structure (suggestion that the listed building is only a wing to a formerly larger building) The south western elevation of the original hall which faces this courtyard also accommodates the main entrance to the building via a single storey, gabled porch.
- 3.3 Hooded mullion windows predominate the original building and an impressive series of windows characterise the buttressed, south-eastern gable of the original building. These comprise a mullioned cellar window, a 14-light mullioned and transomed ground floor window, a 7-light first floor window and a 6-light attic window.
- 3.4 Great Mitton Hall is also located within the setting of a Grade I listed building - the Church of All Hallows to the north east, and a further Grade II listed building - an Aisled Barn at Mitton Old Hall Farm, 35 Metres West of Great Mitton Hall on the opposite side of Mitton Road. The Church was listed in 1954 and was originally constructed in the late 13th century with an early 15th century west tower and a late 16th century north chapel. It is constructed from coursed, sandstone rubble with a stone slate roof. The Barn was listed in 1984 and dates from ~~the 17th century~~ “possibly c.1600” in the list description and is also constructed from coursed, sandstone rubble with a slate roof.
- 3.5 The single storey extension to the south western corner of Great Mitton Hall is a modern structure that is not of historic interest or significance. The stonework has sought to replicate the irregular coursing of the hall, however the windows, whilst comprising stone surrounds and mullions, have generally (see SW elevation) larger and more modern glazed apertures when compared to those on the ~~original hall~~ extant historic structure This modern extension is not part of the historic fabric of the building, is not of special architectural or historic interest and is not of heritage significance itself but does affect the heritage significance.
- 3.6 The Hall, along with the neighbouring church, sit in a prominent position, elevated above the River Ribble to the south, with both buildings being visible from Mitton Road.

4. THE DEVELOPMENT PLAN

- 4.1 The adopted Development Plan for the area comprises the Ribble Valley Borough Council Core Strategy 2008 - 2028: A Local Plan for Ribble Valley ("the CS"). The CS was adopted in 2014 and is considered generally to be an up-to-date plan as it was examined and adopted with regard to National Policy contained within the Framework (2012). It is not considered that the publication of the revised Framework has resulted in material change to planning policies concerning the conservation and enhancement of heritage assets
- 4.2 Relevant policies for the determination of this appeal are listed below:
- (a) Key Statement EN5: Heritage Assets
 - (b) Policy DMG1: General Considerations
 - (c) Policy DME4: Protecting Heritage Assets
 - (d) Policy DMH5: Residential and Curtilage Extensions
 - (e) [Key Statement EN2 – Landscape](#)
 - (f) [Policy DMG2 – Strategic Considerations](#)

5. PLANNING HISTORY - APPLICATIONS CONSIDERED BY THE LPA (RIBBLE VALLEY BOROUGH COUNCIL)

5.1 Great Mitton Hall has been subject to a number of applications for planning and listed building consent. These are summarised below.

- (a) 3/2016/0091 - Application for full planning permission for a proposed conservatory on the south-east elevation of the modern extension - refused 22 March 2016 - appeal dismissed 19 August 2016
- (b) 3/2016/0132 (linked to 3/2016/0091 above) - Application for listed building consent for a proposed conservatory on the south-east elevation of the modern extension - refused 22 March 2016 - appeal dismissed 19 August 2016
- (c) 3/2015/0083 - Application for full planning permission for the extension of a stone boundary wall - approved 04 June 2015
- (d) 3/2013/0793 - Application for full planning permission for a proposed new car port, boundary wall and external landscaping - refused 25 October 2013 - appeal allowed 27 January 2014
- (e) 3/2011/0849 - Application for full planning permission for proposed new detached garage, boundary wall, gates and hard landscaping - refused 22 March 2012. [Appeal dismissed 21 August 2012.](#)
- (f) 3/2009/0624 - Application for full planning permission for the conversion of an existing residential garage to form office/study accommodation. Resubmission - approved 10 September 2009
- (g) 3/2009/0054 - Application for listed building consent for proposed new garage and conversion of garage to office/study. New stone boundary wall - approved 19 June 2009
- (h) 3/2009/0055 - Application for full planning permission for a proposed new garage and conversion of garage to office/study - refused 19 May 2009. [Also, 3/2007/0582. Modification of condition no.2 of planning consent 3/1998/0048P to convert Consulting Room to domestic use \(and deletion of condition no.7 as a consequence\). Planning permission granted.](#)
- (i) 3/2006/0907 - Application for full planning permission for the removal of electric pole and stay, erection of garden room with glazed link to dwelling. Re-submission - refused 20 December 2006
- (j) 3/2006/0908 - Application for listed building consent for the removal of electric pole and stay, erection of garden room with glazed link to dwelling. Re-submission - refused 20 December 2006
- (k) 3/2006/0172 - Application for listed building consent for a proposed orangery - refused 26 April 2006

- (l) 3/2006/0173 - Application for full planning permission for a proposed orangery - refused 26 April 2006
- (m) 3/2004/0686 - Retrospective planning application for a fence along the boundary wall with the church - refused 02 September 2004
- (n) 3/2003/0383 - Application for the erection of a greenhouse to side garden - refused 24 June 2003
- (o) 3/1998/0043 - Application for listed building consent to demolish existing single storey garage, erect replacement larger single storey extension/change of use to provide a facility for medical examinations - approved 31 March 1998
- (p) 3/1998/0048 - Application for full planning permission for a single storey extension to accommodate reception area, consulting room and garage - approved 31 March 1998
- (q) 3/1996/0208 - Application for full planning permission for the enlargement of existing garage to form billiards room and build detached double garage - approved 07 November 1996
- (r) 3/1996/0209 - Application for listed building consent for the restoration, renovation, conversion of garage to billiards room and erect detached double garage - approved 07 November 1996

6. POINTS OF AGREEMENT BETWEEN THE APPELLANT AND THE LPA

- 6.1 The starting point in the determination of the [planning application](#) appeal will be the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2 It is agreed, in light of the judgement of the High Court¹ that the correct approach in determining this appeal is to consider all of the aspects of the appeal proposal as a whole when assessing the proposals in accordance with paragraphs 193 - 196 of the Framework.
- 6.3 The site does not fall within / is not designated as Green Belt, Special Landscape Area, SSSI, Area of Outstanding Natural Beauty or National Park.
- 6.4 ~~Notwithstanding the statements made in the officer report relating to impact upon the cultural heritage of the area adjoining the Forest of Bowland AONB,~~ it is agreed that paragraph 172 of the Framework is not engaged in this case [\(it states “in” and not close by, adjacent or setting\).](#)
- 6.5 ~~None of the proposed works would be visible from within the Forest of Bowland AONB.~~ Consideration to whether a change to the paint colour of the gable render would be seen from the Pendle Hill outlier has not been made.
- 6.6 The site is not a designated site under the Habitats Regulations.
- 6.7 The appeal proposal would not result in the loss of the best and most versatile agricultural land.
- 6.8 ~~The site is not a valued landscape in the context of paragraph 170 of the Framework.~~ “Valued landscape” does not appear in the NPPF Annex 2: Glossary. The site (and its treatment) would appear to have a role in the protection and enhancement of the AONB.
- 6.9 The proposed development (individually or cumulatively) does not comprise EIA development.
- 6.10 No objections have been raised from statutory consultees regarding ground conditions/land contamination.
- 6.11 The appeal proposal is not located within a flood zone, nor would it increase the risk of flooding elsewhere

¹ *Kay v Secretary of State for Homes, Communities & Local Government* [2020] EWHC 2292 (Admin)

- 6.12 There would be no impact upon air quality as a result of the appeal proposal.
- 6.13 Should the appeal be allowed, the appellant agrees to the imposition of a condition requiring an archaeological watching brief during construction.
- 6.14 Should the appeal be allowed, the appellant agrees to the imposition of appropriately worded planning conditions that ensure that all of the proposed works are carried out simultaneously.

7. MATTERS OF DISPUTE BETWEEN THE APPELLANT AND THE LPA (MAIN ISSUES)

7.1 The main areas of dispute between the appellant and the LPA ~~is~~ are-as follows:

- (a) The level of harm that would be generated by the appeal proposal (less than substantial harm in the opinion of the LPA or no harm in the opinion of the Appellant) ~~and~~ whether the proposed ~~extension~~ development would result in Great Mitton Hall's ~~becoming less significant if the development were to be permitted;~~ significance being affected and the impact upon the cultural heritage of the area immediately adjoining the Forest of Bowland Area of Outstanding Natural Beauty.

Signed on behalf of Appellant

Date.....

Position.....

Signed on behalf of LPA

Date.....

Position.....