

**TOWN AND COUNTRY  
PLANNING ACT 1990 – SECTION 78**

**PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990 –  
SECTION 20**

**APPEALS BY  
MR & MRS KAY**

**PROPOSED CONSERVATORY,  
GREAT MITTON HALL,  
GREAT MITTON, LANCASHIRE**

**STATEMENT OF CASE**

Local Authority Refs: 3/2016/0091 and 3/2016/0132

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## INTRODUCTION

1. This Statement relates to appeals against the refusal by Ribble Valley Borough Council (the 'Council') of applications for planning permission and listed building consent for a proposed conservatory at Great Mitton Hall, Great Mitton.
2. Great Mitton Hall is a Grade II listed building (see Appendix A) located on the southern edge of the hamlet of Great Mitton, immediately to the east of Mitton Road (B6246). The Church of All Hallows (which is listed Grade I – see Appendix A) lies to the north-east of the Hall and is accessed from Church Lane to the north. To the north of the Hall is the building that accommodates the Hillcrest Tea Rooms, which has a frontage to Mitton Road. To the west, the Hall is separated from Mitton Road by a high stone wall. On the west side of Mitton Road is the 'Aisled Barn' at Mitton Old Hall Farm (listed Grade II – see Appendix A). To the south of the Hall the land falls away towards the River Ribble and Mitton Bridge (listed Grade II – see Appendix A). Great Mitton is situated to the south of the Forest of Bowland, which is an Area of Outstanding Natural Beauty. The Hall lies approximately 500m south of the AONB.
3. The two-storey section of the hall dates to around 1600. The single-storey extension to the west was constructed in the twentieth century. This extension was constructed as a garage and consulting room but was converted into an living accommodation by previous owners of the property (see paragraph 4 below).

## PLANNING HISTORY

4. The recent planning history of the site is noted below:
  - 3/1998/0043 and 0048 Construction of single storey extension to accommodate reception room, consulting room and garage. Planning permission and listed building consent granted.
  - 3/2003/0383 Erection of greenhouse. Planning permission refused.
  - 3/2004/0686 Retention of fence at boundary of hall and church. Planning permission refused.
  - 3/2006/0172 and 0173 Erection of orangery. Planning permission and listed building consent refused.
  - 3/2006/0907 and 0908 Removal of electricity pole and erection of garden room. Planning permission and listed building consent refused.
  - 3/2007/0582 Modification of Condition 2 of planning consent 3/1998/0048 to convert consulting rooms to domestic use. Planning permission approved.
  - 3/2009/0054 Proposed new garage and conversion of garage to office/study, plus new stone boundary wall. Listed building consent approved.
  - 3/2009/0055 Proposed new garage and conversion of garage to office/study. Planning permission refused.

- 3/2009/0624 Conversion of existing residential garage to form office/study. Planning permission approved
- 3/2011/0849 Construction of detached garage, boundary wall, gates and hard landscaping. Planning permission refused and subsequent appeal dismissed.
- 3/2013/0793 Construction of detached car port, boundary wall, gates and hard landscaping. Planning permission refused but granted on appeal.
- 3/2015/0083 Extension of a stone boundary wall. Planning permission approved.

## THE PROPOSAL

5. The proposal that is the subject of this Appeal is to erect a small conservatory (12 sq.m. in area) on the south side of the twentieth-century wing of the hall. It would be located on an existing patio that is defined by metal railings. It would be constructed with timber. The conservatory would be located centrally on the south elevation of the wing. The proposal western double window on this elevation would be enlarged to form the access into the conservatory, while the eastern double window would be reduced in size. The conservatory has been designed to match the eaves height of the wing.
6. The application for planning permission was refused on 22<sup>nd</sup> March 2016, with one reason for refusal, namely:
 

*The proposal is harmful to the special architectural and historic interest of Great Mitton Hall and the setting of adjoining listed buildings on the escarpment above the River Ribble because the conservatory is prominent, incongruous and visually conspicuous resulting from its location, design and materials. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).*
7. The application for listed building consent was also refused on 22<sup>nd</sup> March 2015, with one reason for refusal, namely:
 

*The proposal is harmful to the special architectural and historic interest of Great Mitton Hall and the setting of adjoining listed buildings on the escarpment above the River Ribble because the conservatory is prominent, incongruous and visually conspicuous resulting from its location, design and materials.*
8. It is noted that neither of these reasons for refusal makes reference to either paragraphs 133 or 134 of the National Planning Policy Framework. As a result it is unclear whether the Council considers that the proposed development would cause 'substantial' or 'less than substantial' harm. In addition, it is noted that the reason for refusal of the application for listed building consent refers to the setting of the adjoining listed buildings. The setting of other listed buildings is not a matter that is relevant in considering an application for listed building consent as Section 7 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the demolition, alteration or extension of a listed building ‘... in any manner that would affect its character as a building of special architectural or historic interest ....’ (underlining added). The setting of listed buildings is a matter to be considered when determining applications for planning permission.

## THE APPELLANT’S CASE

9. The Council’s concern regarding the proposed conservatory (as set out in the reason for refusal provided for both applications and the delegated reports) relates to the possibility that it would be ‘... *prominent, incongruous and visually conspicuous* ....’ (the reasons for refusal) as a result of ‘... *its location, design and materials*.’ (the delegated reports). This concern relates to the views of the hall from the south and south-east, and particularly in relation to the public views of the hall and the adjoining listed buildings from the river valley (see Photo. 1).
10. It is noted that the Council’s concern is not shared by Lancashire County Council, whose consultation letter of 23<sup>rd</sup> February 2016 did not raise any objections to the proposal and states that:

*The proposed conservatory will be visible in views of Great Mitton Hall from the south, particularly from the bridge over the Ribble, but will be at least partially obscured from casual views on closer approaches by the roadside trees and hedges. The impacts of these on the historic building appear however to be acceptable, particularly given that the new structure will always be seen against the backdrop of the modern extension on this side of the building. As noted in the Design and Heritage Statement this location also ensures that the visual link between the adjacent Listed Buildings, particularly the church, will not be impacted.*
11. The delegated reports on the two applications are broadly similar and the following comments are provided on the ‘Conclusions’ section of those reports.
12. In the first paragraph of the ‘Conclusions’ section, the quotations from the consultation letter from Lancashire County Council (see 10 above) are misleadingly curtailed.
13. In the third paragraph it is suggested that the conservatory would introduce glass where there historically and currently there has been stonework. Both elements of the south-east elevation of the hall are predominantly finished with render, with some stone dressings (see Photos. 1 and 2). Whilst the tall gable at the south-east end of the historic house may have been of stone with no render finish, this is no longer the case. The south-east elevation of the modern, single-storey extension (against which the proposed conservatory would be located) always appears to have been finished with render. The proposed conservatory would, therefore, introduce glass where there is currently render and would not result in the loss of ‘... *the subtle play of light and colour on the historic rubble walls* ....’
14. In relation to the comments in the fourth paragraph, the canted form of the proposed conservatory is a response to the limited space that is available on the existing patio (see 5 above). A simple rectangular conservatory would be so small as to be of extremely limited use. The finials that are proposed to the glazed roof of the conservatory are a response to the variety of the existing finials on both the historic and modern wings of the hall. If there was a concern regarding these finials or their detailed design, this could be controlled by an appropriately worded condition. The proposed fenestration reflects the nature of the conservatory and has

been carefully considered to be sympathetic to the general pattern of the existing windows on both wings of the hall. If there was a concern regarding the fenestration, this could be controlled by an appropriately worded condition. It is not considered that the use of furniture within the conservatory would be any more harmful to the special interest of the listed building than the use of furniture on the existing patio. Similarly, the impact of the conservatory when lit at night is unlikely to be very different from that of the lights from the rooms behind the long ranges of windows in the south-east gable.

15. As indicated in Section 8.00 of the Design and Access Statement that was submitted as part of both applications, the proposed conservatory would be added to the twentieth-century wing of Great Mitton Hall and, therefore, its construction would not involve the loss of any historic fabric. Also, the location of the conservatory against the south-east elevation of this modern wing means that it does intrude into or disturb the visual and historic links between the church, the aisled barn and the hall. Although the conservatory would be visible in views of the hall from the south and south-east, it would not detract from the tall gable at the south-east end of the historic house. This would remain the dominant feature of the hall in these views.

### **Impact on the setting of the three listed buildings**

16. The following paragraphs assess the setting of the three listed buildings (church, aisled barn and the hall) in accordance with the five step methodology set out in the English Heritage (now Historic England) document, *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (March 2015). However, Step 5 (weighing the harm against the public benefits) has been omitted as this is a matter for the decision maker. Although setting is not restricted to views or visual appreciation, in this instance it appears to be the visual impact of the proposed conservatory that is of concern to the Council and no other aspects of setting are therefore considered to be relevant.

#### *Step 1 – Identify the heritage assets and their settings*

17. The hamlet of Great Mitton comprises the following buildings: Great Mitton Hall; the church; vicarage; Hillcrest Tea Rooms; The Three Fishes Restaurant; and the aisled barn and its associated structures. The church (listed Grade I) is located to the south-east of the junction of Mitton Road and Church Lane, within its own churchyard. Its tower rises above the surrounding buildings and is visible in long distance views from the north and south. There is a historic association between the church and the hall, and (to a lesser extent) between the church and the aisled barn. The aisled barn (listed Grade II) is located off the west side of Mitton Road, set back from the highway. The historic element of the building is orientated in a north/south direction and there are a number of later extensions at its south-east corner that form an L-shaped footprint. Great Mitton Hall (listed Grade II) has a two-storey historic wing (being the remnant of a much larger building that extended towards the line of the present road), with a modern single-storey extension at its south-west corner, creating an L-shaped plan. The hall sits on the edge of the hamlet of Great Mitton, at the top of the escarpment that overlooks the River Ribble to the south.
18. One important feature of the historic development of the hamlet (and therefore of the three listed buildings) is the alteration in the line of the road. Prior to the construction of the present bridge over the River Ribble in the early-nineteenth century, the road ran to the east of the church (probably having crossed the river by a ford to the east of the present position of the bridge). The construction of the bridge and the associated re-alignment of the road to run between the hall and the aisled barn began to disrupt what is presumed to have been a close

functional relationship between these two structures and altered the historic approach to the hall (the original approach is likely to have been from the north). The demolition of the section of the Hall closest to the barn and the subsequent construction of extensions to both the hall and the barn has further weakened this visual relationship. Nevertheless, the two structures are visually and historically related to each other.

19. The significance of these three listed buildings is primarily the result of their architectural and historic interest, although they are also of some archaeological interest. They are of limited artistic interest.

*Step 2 – Assessment of setting*

20. In relation to the (non-exhaustive) checklist provided in paragraph 21 of *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*, it is considered that the following attributes of their setting contribute to their significance:

- Topography – the way in which the hamlet of Great Mitton and the listed buildings are located on the edge of the escarpment above the River Ribble;
- Other heritage assets – particularly the relationship between the three listed buildings;
- Land use – the varied use of the buildings within the hamlet and the agricultural use of the surrounding land;
- Green space, trees, vegetation – particularly the graveyard around the church and the garden of the hall, together with the open agricultural land;
- Openness, enclosure and boundaries – the enclosed curtilages of the listed buildings;
- Functional relationships – the former functional relationships between the three listed buildings;
- Surrounding landscape or townscape character – the general character of the surrounding agricultural land;
- Visual dominance, prominence or role as a focal point – the visual dominance of the church and the hall, particularly in views from the south;
- Associative relationship between heritage assets – the former functional relationships between the three listed buildings.

*Step 3 – Effect of the proposed development*

21. The location of the proposed conservatory means that it would not affect any of the attributes of their setting that contribute to the significance of these three listed buildings (see 20 above). Views towards Great Mitton from the south, beyond the River Ribble, are restricted by the trees that line Mitton Road and by the intervening buildings. As a result, only medium distance views are possible from the south, generally from Mitton Bridge and its immediate surroundings (see Photo. 1). In these views the proposed conservatory would be seen as part of the modern wing of the hall and its small size means that it would not be a dominant feature when seen as part of the group of historic buildings. From positions further north along the road (closer to the hall) views are limited as a result of the intervening dense belt of trees on the east side of Mitton Road. This would particularly be the case in the summer months when the trees are in leaf but, even in winter, the tree branches provide substantial screening.
22. As a result, it is considered that the proposed development would not harm the significance of any of these three listed buildings. Therefore their settings would be preserved.

*Step 4 – Maximising enhancement and minimising harm*

23. The design of the proposed development does not provide any opportunity to enhance the setting (and thus the significance) of these listed buildings. As no harm has been identified (see 22 above) there is no need to consider its minimisation.

## **CONCLUSION**

24. In view of all the above it is considered that the proposed development accords with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy and with the National Planning Policy Framework. As no harm has been identified to any listed building, it is also considered that the proposed development would satisfy the statutory duty set out in Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
25. It is therefore respectfully requested that this appeal be upheld.

**APPENDIX A**  
**List Descriptions**



**GREAT MITTON**  
**Great Mitton Hall**

Grade II GV

House, c.1600. Rubble, pebbledashed towards south-west, with steep slate roof. 2 storeys with attic and cellar. Original windows mullioned with outer chamfer and inner hollow chamfer. The south-west wall has a single-storey gabled porch near the centre having a re-used outer doorway, probably C14th, with pointed head and with a roll moulding with fillet. Above is a coping with finial. To the right is a gabled single-storey extension with the remains of the hood to a blocked window on the 1st floor. To the left is the line of what appears to be a demolished wing, implying that the porch is an addition. At the left is an enlarged 3-light window with hood. On the 1st floor is a 5-light window with hood. The left-hand gable has a chimney with brick cap. Gable copings, the left-hand one with finials. The left-hand (north-west) gable has a hood remaining on the 1st floor and an attic window with hood and with one light remaining. The right-hand gable is buttressed and has a mullioned cellar window, a 14-light mullioned and transomed ground-floor window, a 7-light 1st floor window and a 5-light attic window. The north-east wall has a turret at its left-hand end, gabled with a coping and finial. Chamfered lights at intermediate levels suggest that it may once have contained a stair. It has a 2-light window with hood on the 1st floor and a similar blocked window to the attic. Its righthand return wall has a wooden door surround with triangular head, probably re-set. A Buckler drawing of 1809 shows a doorway in the left-hand return wall, now blank. Near the centre of this facade is a gabled dormer with blocked window and hood, and with a small chimney cap. At the right on the ground floor is an original window with one mullion remaining. Above is a 4-light window with hood, with a 3-light window to its left. There are a number of blocked window openings, but the 4 remaining windows are C19th with chamfered stone surrounds. The door has a chamfered stone surround with hood. Interior not accessible at time of survey but said to contain no features of particular interest.

**GREAT MITTON**  
**Aisled Barn, Mitton Old Hall Farm, 35 Metres west of Great Mitton Hall**

Grade II GV

Aisled barn, possibly c.1600. Sandstone rubble with slate roof. The stone walls are probably reconstructed. The east wall has openings with plain reveals and a door of C19th type with plain stone surround at the right. The wide entrance is recessed and opens directly into the nave. The north gable has 3 windows with plain stone surrounds and a pitching door above with similar surround. Inside are 5 aisle trusses forming 6 bays. Each truss has a king post rising from a tie beam and braced to the ridge (some of the braces are now missing), only the outer trusses having queen struts. The purlins are trencled over the backs of the principals. The aisle posts are braced to the arcade plates and to the tie beams, all the braces being curved. Only the east aisle has aisle ties with principles, the ties being mortised into the aisle posts. The western aisle is narrower and the lack of peg or mortise holes in the aisle posts suggests that it did not originally have aisle ties, a tie attached to the northern truss being a later addition. The arcade plates have short scarf joints, edge-halved with bridled butts. The soffits of the aisle ties on the east side, at their outer ends, have lap joints cut in an 'X' pattern. The lack of any other associated mortises suggests that they sat on a timber wallplate of an earlier stone wall.

## GREAT MITTON

### Church of All Hallows

Grade I GV

Church, late C13th with early C15th west tower and late C16th north chapel. Sandstone rubble with stone slate roof. Comprises a west tower, nave, narrower chancel, north chapel, and south porch. The 3-stage tower has diagonal buttresses, and an embattled parapet. The bell openings have pointed heads with hoods, and 2 cinquefoiled lights with panel tracery. The west window has 4 cinquefoiled lights, panel tracery, and a hood. The west doorway is wide and moulded with a pointed head and hood. The nave windows are chamfered in 2 orders and are of 2 lights with Y-tracery and pointed heads. In the north wall there are 2 to the east of the door. To the west is a 2-light window of C18th type, with a window with plain reveals above lighting the gallery. The door is chamfered with a pointed head. The south wall has one original window to the west of the porch and 2 to the east, the right-hand one being reconstructed. To the west of the porch is a window with plain reveals lighting the gallery. The porch has a wide chamfered outer doorway with hood. The inner doorway is moulded, with a pointed head and with a hood with head stops. The south chancel wall is peddledashed. To the right of the priest's door are 2 windows matching the early ones to the nave. To the left is a window with mullion and transom, trefoiled heads to the upper lights and a trefoil under a pointed head. The doorway has a pointed head and 3 orders of sun quadrant moulding. The east window is of 5 lights and intersecting tracery. The north-east, or Shireburne, chapel is of ashlar, with one bay to the east and 2 to the north. The windows have Tudor-arched heads, ogee heads to the lights, and panel tracery. The west wall has a moulded doorway with Tudor-arched head. Above is a wall tablet with attached columns enclosing a coat of arms and date '1594'.

Interior. The nave has a west gallery with panelled timber front. The open roof is possibly

Interior. The nave has a west gallery with panelled timber front. The open roof is possibly early C17th and has 9 trusses with arch-braced collars and short king posts braced to the ridge. Between the purlins and principals are carved brackets, possibly a C19th addition. The chancel arch has 2 orders of sunk quadrant moulding. On each side of the opening are attached shafts with capitals. The chancel screen incorporates some medieval woodwork, possibly from Sawley Abbey, including an incomplete C15th inscription. Much of the decoration is an imitation in cast iron or terra cotta. In the chancel are triple sedilia and a piscina, moulded and with trefoiled heads. The chancel is divided from the Shireburne chapel by 2 pointed arches of 2 chamfered orders carried on octagonal piers. Beneath the arches is a wooden screen with turned balusters, the upper parts of the openings being filled by carved tracery with an ogee under, possibly C15th and re-used. The nave pews incorporate old woodwork, including initials and a date '1628'. The pulpit incorporates some C17th carving. In the chapel the main memorials are as follows. An alabaster chest tomb of Sir Richard Shireburne (d. 1594) and his wife Maude, with recumbent effigies and with the sides of the chest decorated by figures and by coats of arms. By Roilly of Burton (Church Guide). A wall monument to Richard Shireburne (d. 1667). Kneeling figures face one another across a prayer desk within an architectural frame with paired columns and an entablature supporting a cartouche. Recumbent effigies of Richard Shireburne (d. 1667), Richard and Isabel Shireburne (d. 1689 & 1693), and Richard Shireburne (d. 1690), all with lengthy inscriptions. Commissioned by Isabel Shireburne c.1690 and carved by Edward Stanton. A wall monument to Richard Shireburne (d. aged 9 in 1702) by William Stanton. Figure of boy against reredos background, with cherubs. Rupert Gunnis, Dictionary of British Sculptors 1660-1851, 1953.

## LITTLE MITTON

### **Mitton Bridge**

Grade II GV

Bridge over the River Ribble, probably early C19th. Sandstone ashlar. 3 segmental arches with rounded cutwaters. Solid parapet with string and weathered coping. The southern parapet is inscribed 'LITTLE MITTON LANCASHIRE. GREAT MITTON YORKSHIRE'.