

DELEGATED DECISION REPORT

SMD/2021/0487
Valid 18/08/2021

HALLWATER FARM
HALLWATER
ENDON

REPLACEMENT GATES
(FULL - HOUSEHOLDER)

MAIN ISSUES

- Heritage and design
- Endon Conservation Area
- Grade II Listed Hallwater Farm House
- Green Belt

DESCRIPTION OF SITE

Gateway into premises abutting gable end wall. The gate is set back about 2m to 3m rear of the public roadside pavement along the public road (D1059) known as Hallwater.



PROPOSAL

To replace the existing timber gates with gates fabricated in metal to a height of c.2.2m. This is an application for planning permission.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

04/00932/FUL – Alterations to boundary and garage frontage [garage frontage later omitted from scheme] – approved

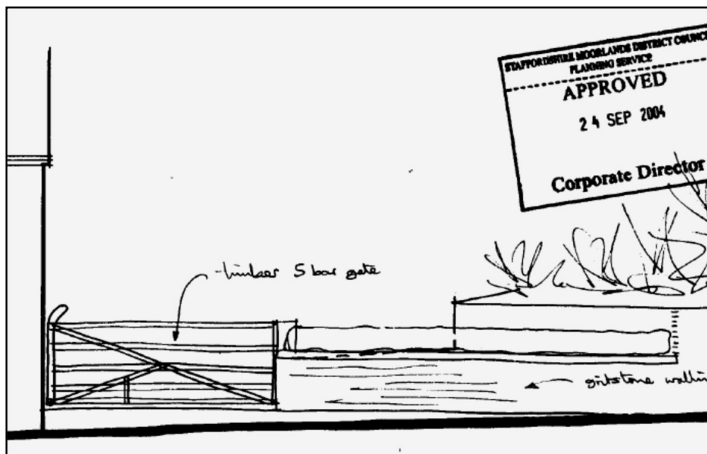


Fig.1

CONSULTATIONS

Publicity

Site Notice expiry date: 16.09.2021
Neighbour consultation period ends: 13.09.2021
Press Advert: 22.09.2021

Public Comments

One representation in support from an occupier of 1 Hallwater Cottages – “I fully support the proposed plans. The proposed gates are of similar design to the current ones and will be fully in keeping with the area. They also will provide security and privacy for the property and being adjacent to an A road the safety of children and pets is of the utmost importance.”

Town / Parish Comments

Endon with Stanley Parish Council – In principle we have no objection to the renewal of the gates as the current gates have no great heritage value being a comparatively new addition and are not attached to the listed building in anyway. However we do have concerns about the proposed colour as we feel the appearance of the new gates is too dark and should be more in keeping with the existing colour. Ideally we would like to see the new gates in timber but recognise the maintenance issues involved. If they are to remain in steel could you tie these into a suitable RAL colour to reflect the existing.

SMDC Heritage Conservation Officer – consulted and advises should be timber if adopting a close board design.

Staffordshire County Council Highways

No objection noting proposed to open inwards as existing and in same position.

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

OFFICER COMMENTS

Principle of Development

In principle a boundary gate has been accepted by the granting of permission under 04/00932/FUL [SMD/2004/0544]. The more recent Local Plan (2020) and NPPF (2021) are not found to change the in-principle acceptability of a boundary gate in this position. Whether the specific proposal is acceptable is a matter of considering the detailed design and in particular any implications for the heritage significance of the building, its setting to the Endon Conservation Area and any implications for the significance of the Farm house and its setting as a Grade II Listed Building.

Whilst GPDO Schedule 2 Part 2 Class A makes certain 'minor operations' involving gates, fences, walls etc permitted development, paragraph A.1(d) makes the development not permitted *"if it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building"*.

The question of curtilage was considered in the 2004 application and it was concluded at the time that the application was within the curtilage. There would also be no doubt that this proposal involves a part the enclosure surrounding the Listed Hallwater Farm house.

Heritage

A superficial and ultimately inadequate heritage assessment has been submitted to accompany the application. Plans and photos (Figs 2 to 4) on the 2004 planning file



Fig.2



Fig.3



Fig.4 (looking back out to the road, 2004)

show that the entrance was relatively open and sweeping and a timber five-bar gate was set between stone gate posts aligned with the rear gable end corner of the house c.6m back from the building front edge.

The Listing Description for Hallwater Farm House is not referenced in the application submission. Importantly the Listing describes the dwelling as a farm house (C17 with mid-C19 alterations and additions).

The Staffordshire Environment Record (also not referred to) describes the farm as having a loose courtyard plan and of probable 17thC origin.

The Endon Conservation Area Appraisal (again not referenced in the application) notes the barn to the farm – now converted to a dwelling – stands parallel with the farm house to the south west.

The 1878 OS map (Fig.5) shows that the entrance subject of this application was historically the sole and therefore main entrance to the farmstead and this appears to have remained the case at least into the mid 20thC.

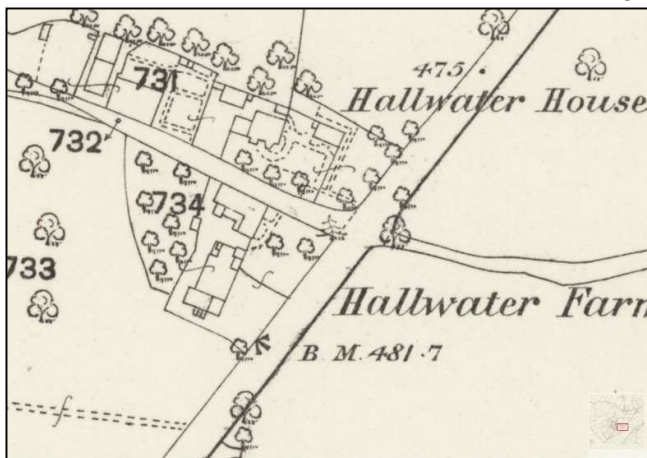


Fig.5

Significant to the heritage of this property is its farmstead origins. Notably, as recently as 2004 the entrance subject of this application was relatively open and the closure was by means of a typical five-bar farm gate with stone gate posts.

It would appear from the 2004 file that a timber five bar gate was to be used and the approval was chiefly about it being re-positioned closer to the road. It is not clear that the present boarded arch-topped timber gate has specifically been approved.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

An LPA can only discharge its duty to make a proper assessment of the impacts on a Conservation Area and/or a Listed Building, if it is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

NPPF 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".

Paragraph 200 goes on to say that: "any harm or loss [to a heritage asset] should require clear and convincing justification."

NPPF 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 securing its optimum viable use."

Design

Taking account of the heritage and planning history discussed above the more appropriate design here would be a timber five bar gate. A metal gate could be considered if it were of railing design in the manner of traditional iron estate railings. A solid boarded timber gate matching the existing gate would be supported if it could be established that the existing gate either has the benefit of planning approval or would have immunity from enforcement action due to the passage of time. It may also be considered that a timber gate in this boarded style is acceptable in any event as being of a material suitably in harmony with age, style, character and heritage of the property.

The particular style of proposed sheet metal fabricated gate is by contrast found wholly out of keeping and harmful to the setting of the Listed Building and harmful to the contribution which the building and its setting make to the character and appearance of the Endon Conservation Area.

Amenity

No issues for neighbour amenity are identified.

Highway Safety

In view of the Highways Officer comments, no highway safety issues.

CONCLUSION / PLANNING BALANCE

In determining this application the LPA has a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed building affected, and its setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, paragraph 199 of the Framework 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.

Whilst the applicant has referred to the existing gates having rotted and being concerned about the safety of people and pets within the grounds, none of this is found to sufficiently and convincingly justify the specific proposals put forward.

As any benefits from the scheme would be personal and private to the applicant without any public benefits, there is no balance that can be made as set out at NPPF paragraph 202 by which to off-set the harms identified.

The applicant was advised by e-mail dated 23rd September that the application in its current form could not be supported and options were set out. There has been no response.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank

Recommendation Date: 13th October 2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

