

**Planning (Listed Buildings and Conservation Areas) Act 1990
The Planning (Listed Buildings and Conservation Areas) Regulations 1990**

REFUSAL OF LISTED BUILDING CONSENT

Application No: 13/00349/LBC

c/o Ms Hannah Whitney
14 Regent's Wharf
All Saints Street
London
N1 9RL
UK

Location of Development:

Alton Towers
Farley Lane
Farley
Staffordshire
ST10 4DB

Description of Development:

The erection of outdoor safety fencing at Alton Towers Resort in the White Bridge area and the Lower Gardens.

In pursuance of their power under the above mentioned Act, the Staffordshire Moorlands District Council, **HEREBY REFUSE LISTED BUILDING CONSENT** for the works described above, in accordance with plans ref: for the reason(s) specified below:-

1. The proposal relates to the erection of modern safety fencing within the ornamental gardens at Alton Towers, a Grade 1 Registered Park and Gardens within the setting of several listed buildings. The proposal by virtue of its appearance/design is considered to be inappropriate for the sensitive location. The fencing would cause significant harm to the appreciation of the gardens and would result in visual severance of the uninterrupted long distance views over the terraces, and the impact of the railings on close-up views would be harmful to the setting of individual listed buildings.

Paragraph 7 of the National Planning Policy framework notes that protecting and enhancing the historic environment is one of the 3 guiding objectives of sustainable development and Para 133 indicates that where proposed development will lead to substantial harm to or total loss of a significance of a designated heritage asset Local Planning Authorities should refuse consent, unless it is demonstrated that the harm is outweighed by substantial public benefits, and this proposal will lead to substantial harm to the Registered Historic Park and Garden, fabric and setting of Listed Buildings and character and appearance of the Alton and Farley Conservation Area.

It is considered that it has not been demonstrated that the proposed fencing is the only mechanism for achieving Health and Safety objectives and the proposal is therefore contrary to the advice contained within the Framework.

Informative

POSITIVE AND PRO-ACTIVE INVOLVEMENT WITH THE APPLICANT/AGENT

The Authority's Officers, in conjunction with English Heritage have assessed the proposal against Development Plan policies and any other material considerations. Officers concerns to the fencing proposed was drawn to the applicants attention during the processing of previous applications (13/00137/LBC and 13/00139/LBC) to ensure that the development follows guidance in the National Planning Policy Framework, but the applicant/agent has chosen not to re consider its proposals. The Authority is willing to provide pre-application advice in respect of any future application for a revised development proposal.

The Local Planning Authority advises and indeed expects that the site operator will not permit access to any part of the site, whether affected by these fencing proposals or not, that is deemed to be unsafe for whatever reason, and that where fencing proposals are refused listed building consent and/or planning permission the site operator is advised to implement other alternative measures to mitigate or remove any safety risk. Such alternative measures may or may not require planning and listed building consents that would need to be obtained in advance. The Local Planning Authority is not responsible for safety matters at the site.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, within six months of the date of the decision notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.
2. If Listed Building consent is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated, a Listed Building purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
4. If the applicant wishes to exercise his right of appeal referred to in Note 1 the appropriate form on which the notice of appeal should be submitted may be obtained from the Secretary of State for the Department of the Environment, The Planning Inspectorate (PLUP 2), Tollgate House, Houlton Street, Bristol. BS2 9DJ