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## Appeal Decisions

Hearing held on 14 and 22 March 2017

Site visit made on 22 March 2017

**by Nigel Harrison BA (Hons) MRTPI**

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

Decision date: 4<sup>th</sup> May 2017

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### **Appeal A: Ref: APP/Y3425/W/16/3161613**

#### **Stallington Hall, Stallington Road, Blythe Bridge, Stoke-on-Trent, ST11 9QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Millhouse Securities Ltd against Stafford Borough Council.
  - The application Ref: 15/23372/FUL is dated 16 December 2015.
  - The development proposed is the conversion and extension of the existing building to form 26 apartments, together with 3 town houses and associated parking.
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### **Appeal B: Ref: APP/Y3425/Y/16/3159695**

#### **Stallington Hall, Stallington Road, Blythe Bridge, Stoke-on-Trent, ST11 9QL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Millhouse Securities Ltd against Stafford Borough Council.
  - The application Ref: 15/23373/LBC is dated 7 December 2015.
  - The works proposed are the conversion and extension of the existing building to form 26 apartments, together with 3 town houses and associated parking.
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### **Decisions:**

1. **Appeal A: The appeal is dismissed** and planning permission for the conversion and extension of the existing building to form 26 apartments, together with 3 town houses and associated parking is refused.
2. **Appeal B: The appeal is dismissed** and listed building consent for the conversion and extension of the existing building to form 26 apartments, together with 3 town houses and associated parking is refused.

### **Application for Costs**

3. At the Hearing an application for costs was made by Millhouse Securities Ltd against Stafford Borough Council. This application is the subject of a separate Decision.

### **Procedural Matters**

4. These decisions address both planning and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and some of the main issues I have identified below relate to either the planning appeal, the listed building appeal, or to both. However, to reduce

repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

5. Revised plans have been submitted in an attempt to address some of the Council's concerns. These show three new dwellings located to the south of the Hall (previously to the north-east of the Hall), and the omission of a further dwelling described as a 'lodge'. The revised plans also include associated changes to the site layout and minor revisions to the design. Interested parties were re-consulted and I have considered the appeals on the basis of the revised plans. For the avoidance of doubt I have amended the description of the proposed development and works as stated on the application to omit the proposed 'lodge'.
6. In January 2017, after the appeal was made, the Council adopted the *Plan for Stafford Borough Part 2 (PSB2)*, and this comprises part of the development plan. I was informed by the Council at the Hearing that the PSB2 contains no policies of direct relevance to the appeals, which I have considered having regard to the policies of *The Plan for Stafford Borough 2011-2031*, adopted 19 June 2014 (PSB), together with other material considerations including the *National Planning Policy Framework* (the Framework).
7. A Statement of Common Ground was submitted in which the following matters were agreed by the parties as not being in dispute:
  - i) The listed building still retains its significance and fully warrants efforts to secure its preservation and re-use.
  - ii) The proposed residential use is acceptable in principle, and is considered to be the most realistic option for bringing the listed building back into sustainable beneficial use.
  - iii) There is scope to reconfigure some of the interior of the building and remove the least sympathetic and obviously modern additions.

### **Main Issues**

8. Although the Council failed to determine the applications it has set out its areas of concern. Firstly, it says the proposed scheme (conversion and extension of the Hall and new dwellings) would harm the significance and setting of the listed building, adding that in the absence of justification for the proposed enabling development, there is no special case for permitting inappropriate development in the Green Belt (GB). However, the Council acknowledges that if a case for enabling development were proven this would be an important material consideration in the overall planning balance. Secondly, in the absence of a financial contribution towards the provision of public open space the Council says the proposal conflicts with PSB policy. Finally, it says the scheme would not provide acceptable living conditions for future occupiers.
9. I have taken the Council's concerns into account when framing the main issues, which principally reflect the outstanding areas of disagreement between the main parties. I consider these are:
  - i) Whether the proposal would amount to inappropriate development in the Green Belt;
  - ii) The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;

- iii) Whether the proposal would preserve the special architectural and historic interest of the Grade II listed building and its setting and whether the enabling development is necessary to justify the development as a whole;
- iv) The effect of the proposed new dwellings on the living conditions of the occupiers of nearby dwellings, and
- v) Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

## **Background**

10. Stallington Hall is a Grade II listed country house. It is a brick built structure of three and two storeys over a stone faced basement. It dates from the late 18<sup>th</sup> century, and was considerably extended in the late 19<sup>th</sup> century. The Hall was originally set within a small park of which fragments of the pleasure grounds survive, including a sunken lawn surrounded by a balustraded terrace and a yew-lined walk. There is a lengthy and somewhat complex planning history for the appeal site and surrounding area, most of which I take as read. However, I have summarised the most relevant history below.
11. The Hall was originally built for the Child family and remained in family ownership until it became a hospital in 1928. This use ceased in 1997 and the building has been vacant ever since. Residential development of the former grounds to the north (which had been occupied by hospital buildings) commenced after 2002 following the grant of planning permission for 148 dwellings. This development (permitted as an 'exception site' in the Green Belt) has now been completed and surrounds the Hall on three sides. Only the south side now remains open. The Hall and a small area of the former grounds became separated from the wider estate, and passed through several ownerships before being acquired by the appellants in 2014.
12. Planning permission and listed building consent were granted in April 2006 (following on from an earlier scheme) for conversion of the Hall to 14 residential apartments and conversion of the former stable block on the north (also Grade II listed to 6 dwellings)<sup>1</sup>. Subsequently, in August 2006, permission was also granted for the construction of a new mews terrace of 6 dwellings adjacent to the stable block<sup>2</sup>. A revised scheme for the conversion of the former pump house to the west of the stable block was approved in May 2006 and this development too has been completed<sup>3</sup>. Prior to the most recent change of ownership to the appellants, an application for listed building consent to demolish the Hall was refused in 2014.
13. Significantly, although these former ancillary buildings have now been converted to residential use and new dwellings erected, no provision was made to 'tie' restoration and conversion of the Hall to any requirement or conditions of those permissions. Consequently, the fabric of the building began to suffer from lack of maintenance and the grounds became seriously overgrown. The Hall suffered from a serious fire circa 2007 which totally destroyed the roof, the fall of which appears to have led to the collapse of most of the internal floors

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<sup>1</sup> 06/06051/FUL and 06/06037/LBC

<sup>2</sup> 06/06111/FUL

<sup>3</sup> 06/06057/FUL

and ceilings. Deterioration has continued apace since that date, with further decay being accelerated by water ingress and vandalism, and there is evidence of widespread damp penetration.

14. At the time of my site visit the internal brick shell appeared to be relatively intact. However, extensive vegetation growth within the shell indicated saturation of the masonry and a related risk of further damage from root growth. Many of the window frames were broken and the glass missing. The very limited view of the interior which was possible through window openings showed that some internal doors and surrounds remained, and I was able to glimpse the impressive vaulted brick ceiling to the Victorian entrance corridor leading from the main entrance.
15. Some measures have been taken by the current owners to secure the site (not wholly successfully as trespass remains a major and ongoing problem). However, no attempt appears to have been made to remove fallen timbers, other debris, and arrest the further growth of vegetation.

### **The Proposal**

16. The proposed development is for the repair and extension of the listed building to accommodate a total of 26 one and two bedroom apartments over four floors. It also includes the construction of a terraced block of three new-build dwellings (the enabling development). Whilst the accommodation is clearly geared to what could be described as the active retired age group, restricted occupancy has not been proposed, and at the hearing the appellants confirmed that they would not wish to see any planning permission being subject to a minimum age restriction.
17. As part of the scheme it is proposed to restore the one notable surviving interior feature (the vaulted main entrance corridor), and provide a communal reception room within the single storey Victorian extension on the east side of the building. It is also proposed to restore the badly overgrown sunken garden on the north side of the hall for the use of residents and possibly (subject to agreement) by local residents.
18. Vehicular access would be via Fulford Lane and Nightingale Walk. The latter is a short cul-de-sac which currently serves several dwellings and acts as an emergency access to the main residential development constructed within the former grounds of the Hall to the north. A total of 15 parking spaces are indicated to serve the proposed apartments, together with a garage block close to the western boundary to serve the new dwellings.

### **Reasons**

#### ***Whether the proposal is inappropriate development in the Green Belt***

19. The PSB does not contain any specific Green Belt policies, and the Council relies on the provisions of Section 9 of the Framework where paragraph 87 states that inappropriate development in the Green belt is by definition harmful, and should not be permitted except in very special circumstances. In principle, the conversion of the Hall to apartments is consistent with paragraph 90 of the Framework concerning the re-use of buildings in the Green Belt. Paragraph 89 refers to the extension of buildings in the Green Belt and says these might not be inappropriate, provided it does not result in disproportionate additions over and above the size of the original building.

20. The Framework does not attempt to quantify the maximum size of extension that might be permitted or considered not disproportionate. The Council considers that the proposed extension to the Hall (principally the new western wing and additional storey replacing the original shallow roof) would represent a disproportionate addition. This is challenged by the appellant. At my request calculations to compare existing with proposed floor space were submitted by the appellant. These show that over the existing floors there would be a net increase of about 119sqm (about 6.5% in percentage terms). Although the top storey would be entirely new, it would replace the original roof which, although no firm evidence is available, would appear to have had a shallow hipped roof. In contrast the proposed roof/top storey would take an entirely different form with gables and dormers, and be significantly higher. Although not quantified it would clearly have a significantly greater volume than the original roof.
21. Overall, allowing for the proposed demolition works, I conclude that the proposed extensions to the Hall would represent a disproportionate addition compared to its existing size. Therefore, it constitutes inappropriate development in the Green Belt.
22. Furthermore, the Framework indicates that new buildings in the Green Belt should be regarded as inappropriate development unless they fall within one of the exceptions listed in Paragraph 89. Neither party has suggested that the proposed new dwellings are covered by any of these exceptions, and I find no reason to disagree. Accordingly, this element of the proposal also constitutes inappropriate development in the Green Belt. Consequently, even though conversion of the existing shell of the Hall is not inappropriate development, the proposed development when taken as a whole is inappropriate development and must be treated as such.
23. Paragraphs 87-88 of the Framework explain that inappropriate development is, *by definition*, harmful to the Green Belt. It is therefore necessary for me to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm.

***Any other Green Belt harm***

24. Paragraph 79 of the Framework also makes it clear that that the essential characteristic of Green Belts is their openness and permanence, so any reduction in these characteristics would be harmful.
25. The new dwellings and garage block would occupy a currently undeveloped area, and would thus lead to a loss of openness in this part of the Green Belt. A further reduction in openness would arise from the extensions to the listed building. Openness means freedom from development, and is only partly concerned with visibility. However, in the context of the surrounding residential development, I am not persuaded that the reduction in openness would be materially significant. Nevertheless, this modest reduction in openness must be considered in the final balance.
26. I have considered whether the character and appearance of this part of the Green Belt would be harmed. However, the site is well-screened from public viewpoints, and dense vegetation and the existing residential development would mitigate the impact of the proposed new dwellings and extensions to some degree. Consequently, I consider the proposal would have only a modest impact on the character and appearance of the surrounding area.

***Whether the proposal would preserve the special architectural and historic interest of the listed building and its setting, and whether the enabling development is justified***

27. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) say that in considering whether to grant listed building consent for any works, special regard shall be paid to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
28. Paragraph 132 of the Framework says great weight should be given to the conservation of a heritage asset, (including listed buildings and conservation areas) and any harm to their significance should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting, and as heritage assets are irreplaceable any harm or loss should require clear and convincing justification. PSB Policy N9 reflects the statutory test in the Act and national policy in the Framework.

*Significance*

29. The significance of the Hall derives from its value as an example of a small gentry house of late 18<sup>th</sup> century date with 19<sup>th</sup> century alterations and additions set in what was a complementary designed landscape. The north elevation with its imposing battered and rusticated plinth has a touch of grandeur which distinguishes the Hall from other similar houses of this date, as does the more symmetrical south elevation with full-height canted bay. The Victorian tower on the entrance front has considerable swagger and also contributes to its significance. Despite the loss of the original roof to fire damage, almost all of the interior joinery and fittings, and the degradation of the landscape setting, the Hall still retains much of its significance (particularly with regard to the exterior), and fully warrants efforts to secure its preservation and re-use. It remains a building of some merit and has a strong communal significance to the local area.

*Conversion and extension of the Hall*

30. The proposal includes the demolition of an existing 19<sup>th</sup> century wing at the south west corner of the main block and replacement with a new four-storey extension occupying a similar footprint. The entirely new roof structure containing the top storey would extend over the new extension at the same height. Although it is proposed to retain as many of the internal walls as possible, a very substantial reconfiguration would involve the formation of a large stair and well and circulation routes at the heart of the building. The proposal also includes the removal of later fire escapes and modern additions to the rear. As stated above, the large single storey reception room on the entrance front would be restored to an approximation of its original appearance, and the brick vaulted entrance corridor restored. Neither the Council nor Historic England (HE) has any overriding objections to the restoration of these elements, the internal intervention, or the removal of the fire escapes and obviously modern additions.
31. However, its main concerns (echoed by those of the Victorian Society and the Georgian Group (GG) concern the large contemporary style extension (which would involve the removal of the 19<sup>th</sup> century west wing) and the roof

structure. With regard to extensions to the Hall both the Council and HE have no objections in principle. Indeed, it accepted by these parties (and others) that any extension is likely to be substantial in nature in order to bring forth a viable scheme.

32. I share these concerns and consider that the design and proportion of the extension and new top storey would be overbearing and dominant in relation to the retained 18<sup>th</sup> century block. Whilst there can sometimes be a valid argument for new additions to listed buildings to be contemporary in design, and pastiche or facsimile is not the only option, the contrast needs to be subtly managed and complementary. In this regard, I note that HE would be happy to support a contemporary approach, provided this is informed by the existing Hall.
33. The extension would follow the existing plane of the existing south elevation and extend to the same height. As such it would unbalance this architecturally distinctive elevation with its central canted bay, and not be subservient to it. Furthermore, the metal clad balcony feature on the south elevation of the extension would appear as an alien and incongruous feature, wholly at odds with the existing Georgian and Victorian architecture.
34. I accept that the new roof structure/top storey would be recessed, and may not, in reality, appear as dominant as the elevation drawings would appear to suggest. I also note that the metal cladding originally proposed has been replaced by slate. Nonetheless, the overall design remains unresolved and would be wholly at odds with the character of the building.
35. I am also concerned that the amount of structural intervention which would be required or exactly how much of the historic fabric would be retained is by no means certain. The last full structural survey was undertaken in 2005, predating the fire, roof collapse, and subsequent water penetration. Although the appellant has submitted some additional structural engineering information, this is based on exterior inspections only due to health and safety concerns over access.
36. After careful consideration, I conclude on this issue that the proposed extensions to Hall, together with uncertainty with regard to the amount of historic fabric that would be lost would cumulatively fail to preserve the significance of the listed building.

#### *The new build dwellings*

37. The proposed two-and-a-half storey dwellings and separate single-storey garage building have been advanced as enabling development required as being essential to the viability of the proposal to repair, convert and extend the Hall to form apartments. The dwellings would be located directly to the south of the south elevation of the Hall, with a separation distance of about 12m (maximum), with the garage block on the western boundary.
38. As stated above, paragraph 132 of the Framework says the impact of new development on the significance of a listed building can be harmed by development within its setting. The Government's *Planning Practice Guidance* (PPG) also advises that a thorough assessment of the impact on setting needs to take account of, and be proportionate to, the significance of the heritage asset under consideration, and the degree to which the proposed changes

- enhance or detract from that significance or the ability to appreciate it. Although views play an important part, the way in which an asset in its setting is experienced in its setting is influenced by spatial association and by an understanding of the historic relationship between places.
39. A similar approach is taken in the HE *Good Practice Advice Note 3* which also explains that the contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting through scale, proportion, height, alignment and use of materials.
40. The wider setting of the Hall has been fundamentally altered in recent years. The historic parkland setting has been lost and the Hall is now hemmed in by modern housing developments. From that standpoint any further development within the very restricted site curtilage would further compromise its setting. Although I fully appreciate the limited options available to the developer, the location of the new dwellings in front of the Hall and in such close proximity to it would lose any sense of the feeling of a country house within a landscaped setting, and would result in a cramped arrangement which would completely block off the Hall's south elevation from the wooded area and countryside beyond (the only relatively open aspect still remaining). This harmful impact would be worsened in my view by the height of the dwellings and their 'town house' design, which is typical of a more urban environment.
41. As such these dwellings would diminish the ability to appreciate the special interest of the listed building. The appellant submits that the south elevation of the Hall is one of its least important. I disagree. It remains a handsome and balanced mainly 18<sup>th</sup> century façade, and has considerable presence and distinction.
42. On a without prejudice basis, the Council's Conservation Officer and HE Officer suggested at a site meeting that the preferred location for any enabling development (if justified) would be in the area to the south of the Hall. However, it was suggested that this could take the form of a freestanding range resembling a service building (such as a stable block), or as a linked wing extending from the south-west corner of the Hall to the boundary so as to sit more comfortably with the Halls' architecture.
43. Although now superseded, it was previously intended that the new dwellings (and another since omitted) would be sited to the north-east of the Hall, this location too would have harmed the setting of the listed building by dominating the east entrance front, and would have involved the loss of one of the tree-lined garden walks and part of the sunken garden area.
44. I therefore conclude that the proposed dwellings would fail to preserve the setting of the listed building. Both elements of the scheme taken together would fail to preserve the significance of the listed building and its setting. However, I am satisfied that the degree of harm caused would be less than substantial. In such circumstances, paragraph 134 of the Framework states that in such cases, that harm should be weighed against the public benefits of the proposal. I will turn to these public benefits after considering the case for enabling development.

*Whether the enabling development is justified*

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45. Paragraph 140 of the Framework states that local planning authorities should assess whether the benefits of a proposal for enabling development (which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset) outweigh the disbenefits of departing from those policies. The key public benefit is usually the securing the long term future of the heritage asset concerned.
46. Enabling development is a precisely defined concept in planning terms, as set out in the English Heritage (now HE) document *Enabling Development and the Conservation of Significant Places* (published in a revised form in 2008 and with a revision note in June 2012) (hereinafter referred to as the 'Guidance'), which the parties agreed at the hearing was an important material consideration in assessing the proposed scheme. Although the Guidance predates the Framework, it still stands as HE's position on the concept of enabling development, and I have taken it into account in my reasoning.
47. The Guidance explains that a complex task of assembling the application (by the applicant), and assessing it (by the planning authority) is involved. On page 5 it sets out 'The Policy' relating to enabling development. This lists seven criteria, and if these are met, it is stated that permission should only be granted if four further criteria are met to guarantee that the repairs are carried out. The basic proposition in enabling development is that there is a conservation deficit, where the cost of repair and conversion to beneficial use is greater than the market value on completion of those works, so that based on a financial appraisal, some subsidy is required. In short, the enabling development provides a public subsidy in the form of development that would not otherwise be permitted. The Guidance says market testing is normally the first step in establishing the need for subsidy, and Paragraph 3.6.2 sets out the information needed to cover all financial aspects of the proposal.
48. The appellant has submitted two reports setting out the case for enabling development<sup>4</sup>. These were supplemented by a Valuation Report (December 2014), an External Conditions Survey (January 2016), a Condition Survey (June 2016), and an undated photographic survey. I sought further clarification at the hearing. It remains the view of the Council (supported by HE) that without an up-to-date survey to demonstrate the level of dilapidation and a comprehensive structural engineering assessment, it is not possible to fully assess the level of repair work required or the full cost of these works.
49. In response, the appellant's structural engineers have stated "It is impossible to carry out a detailed and intrusive structural survey as the building is currently classed as a dangerous structure. However, following our initial visual inspection, it is our opinion that the main structural walls appear capable of taking the load of the proposed development without the need for an independent steel frame. An intrusive survey will be required to confirm this assessment".
50. Nonetheless, without such a full survey, it is difficult to reach a fully informed decision. Given the 'unknowns' which cannot be ascertained from an external inspection, it clearly would be inappropriate, as suggested by the appellant, for such a requirement to be conditional as part of any planning permission.

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<sup>4</sup> Piece Regan December 2015 and March 2016

51. The Council also suggested that due to the site constraints, in pursuing a case for enabling development the appellant should first investigate the possibility of off-site development to avoid further harm to the setting of the listed building. However, the appellant does not control any other land in the area, and I accept that off-site enabling development is not a feasible option.
52. As part of the appeal the Council instructed the District Valuation Service (DVS) to undertake a review of the case for enabling development. Before considering this I need to set out the position regarding affordable housing and off-site open space contributions, both of which impact on the viability assessment and the DVS's conclusions.
53. Firstly, PSB Policy C2 would normally require 30% of all residential units to be affordable. However, given the particular circumstances of the case and acceptance by the Council that such a requirement would only increase any conservation deficit, it was agreed at the hearing that the affordable housing requirement would not be pursued.
54. PSB Policy C7 requires new housing to contribute to local infrastructure needs, and the Council's Leisure and Culture Services has identified a shortfall of amenity open space in the area. Given the nature of the development the Council considers it would be appropriate to seek a full off-site contribution amounting to £26,209 towards open space and an off-site maintenance contribution of £3,408. The appellant says such a contribution would further reduce viability and would be offset by the restoration of the former sunken garden as an amenity space for both future occupiers and local residents (subject to an appropriate mechanism to secure this being put in place). In response the Council says this area would only provide the private amenity space required to serve the number of residential units proposed, and would not make any difference to the deficiency in the quality and quantity of open space and recreation provision in the local area.
55. The Council did not alter its position on this matter at the hearing and I have considered the appellant's evidence and DVS's response on the basis that the open space contribution remains a fundamental requirement if permission were to be granted. The appellant has confirmed that he would not be prepared to enter into a Section 106 Agreement with the Council to pay such a contribution. Nonetheless, in the context of the development costs of the scheme, this contribution would be relatively insignificant, and does not greatly influence the viability considerations.
56. The DVS assessment was carried out on the basis that the affordable housing contribution could be waived, but including the public open space contribution. The DVS also used a benchmark site value sum of £50,000, which I understand was the purchase price of the Hall, rather than the appellant's figure of £250,000. Using these assumptions, and allowing for a developer's profit of 20% in line with normal market expectations, the DVS report concluded that the scheme would be marginally viable. If the purchase price were discounted still further (and HE advise only a nominal price should be allowed for in enabling development considerations), then the surplus produced would make the scheme more viable.
57. There are a number of other fundamental areas of disagreement between the appellant and DVS on costings. Firstly, the DVS figure of £1,334.21 per sqm is significantly lower than the appellant's estimate of £1,644.33 per sqm.

Although inconclusive, it would appear that the lower figure is based on standard RICS BCIS Quarter 4 2016 data, though uplifted by 5% for contingencies. I accept that development costs are likely to be significantly greater than the lower figure, although without a full structural survey and detailed costing of the various elements (rather than assumptions based on visual inspections and older surveys), it is difficult to reach an informed view.

58. The DVS report also questions the appellant's professional fees estimate of £599,292, and suggests that £236,004 (or 10%) would be more realistic based on experience of similar developments. In response the appellant says that the RIBA recommends 12.5% for the architectural element although no evidence was put too me to support this view. Given the complexities of this development, I am prepared to accept that the DVS figure is unrealistically low. However, in the absence of further evidence concerning fees, it is not possible with any certainty to reach a firm view on this matter.
59. Another area of dispute concerns whether or not the ground rent should be capitalised. The DVS report suggests that the developer should seek to maximise their return by charging a ground rent for each of the leasehold apartments (resulting in a capital value of £78,000). However, the appellant does not include a figure for ground rent, and I accept that this matter is not directly referred to in the Guidance.
60. The DVS report did not undertake an appraisal of the overall scheme including the three new dwellings as enabling development, on the basis of its conclusion that this enabling development would only serve to produce a financial surplus, rather than eliminate a financial deficit.
61. As set out above the DVS report concludes that the scheme is 'marginally viable' without the enabling development. However if, for example, a build cost figure closer to the appellant's estimate, and a higher allowance for professional fees is used, a conservation deficit would result. Furthermore, without greater certainty for build costs that would be informed by the results of a full structural survey it may be the case that more dwellings would be required to overcome the conservation deficit, or conversely fewer. But without such certainty, or common ground between the parties concerning the other variables referred to above, this cannot be used as a basis to justify the proposed new dwellings.
62. What is more, there appears to be no effective mechanism in place that would effectively secure the rebuilding and conversion of the listed building. The Guidance suggests that the preferred method is usually through the use of a legal agreement under Section 106 of the *Town and Country Planning Act 1990*. The appellant suggested a condition might be used as an alternative, and one was put forward by the Council which would achieve the same objective. Nonetheless, given my decision to dismiss the appeals it is not something I need to consider further.
63. I appreciate the eagerness of all parties to conserve the building and secure its future, but this does not negate the need to test the financial evidence rigorously. In conclusion, insufficient information has been provided to be certain that there is a conservation deficit, and if there is, to quantify its scale, this being the basic requirement of the enabling development regime.

64. Therefore, on the basis of the evidence before me I cannot be certain that the case put forward provides robust justification that the proposed enabling development is necessary to secure the long term future of the Hall. Furthermore, my findings that the proposal would be harmful to the listed building and its setting are contrary to one of the fundamental planks of the Guidance on enabling development, namely that the development should not materially harm the heritage values of the place or its setting.

*Public benefits*

65. Stallington Hall clearly needs urgent repair works and a beneficial use to secure its long-term future, and I accept that the proposed development represents the optimum use for the building. The proposal would prevent the building's further dereliction and decay, and would address the inherent problems of vandalism, trespass, and anti-social behaviour which currently exist. I also note the appellant's statement that without the certainty of a planning permission for redevelopment, the site owners have no means or specific motive to provide repairs to stabilise the building.
66. However, all this has to be balanced against the impact of the proposed development. Although the proposal would preserve the exterior shell of the building and see the former entrance hall and sunken garden restored, it would fail to preserve the architectural and historic interest of the Hall and its setting, destroying much of what the proposal sets out to preserve, contrary to the Guidance.
67. In any event, some alternative, less intrusive, way of securing the building's future may be possible whilst securing the same public benefits. Overall, whilst there would be some public benefits arising, they would not outweigh the harm that I have found. As such, the proposal would conflict with the Framework and PSB Policy N9.

***Living conditions***

68. The proposed dwellings would have their principal front elevation facing the north elevation of the Hall and their rear elevations towards the heavily wooded south boundary. The Council's *Space about Dwellings Supplementary Planning Guidance (SPG)* seeks to ensure that proposals for residential development provide acceptable levels of amenity for prospective occupants, in line with PSB Policy N1(f). Within the SPG it is advised that there should be a separation distance of 21m between facing principal windows. In this instance the separation distance would only be 12.0m at best.
69. It is reasonable for guidance in the SPG to be applied flexibly in the case of listed building conversions. However, this is not a marginal case. The three dwellings would directly face the habitable room windows of apartments on the south side of the Hall resulting in unacceptable outlook and privacy levels. Nor, given the proximity of these dwellings to the southern site boundary would it be possible to compensate elsewhere in the site for significantly inadequate levels of amenity.
70. I therefore conclude on this issue that the proposed development would result in unacceptable living conditions for future occupiers with regard to privacy and an oppressive outlook arising from the relationship between the Hall and the new dwellings. As such, it would conflict with PSB Policy N1 and the SPG.

### **Other considerations**

71. I also accept that the proposed development would provide a modest contribution towards the provision of new housing in the area. However, as it not disputed that the Council can currently demonstrate a five-year supply of deliverable housing, this factor only offers moderate weight in favour of the proposal. Similarly, the development would contribute to the local economy in terms of jobs during construction, and would increase support for local services and facilities in the nearby towns and villages. This factor too attracts moderate weight in favour.
72. I have also taken into account the substantial number of representations made by local residents and the Parish Council, mainly in favour of the proposal, though several raise other concerns such as traffic generation, inadequate parking, over-development and loss of trees/vegetation. A petition signed by 40 local residents was submitted at the Hearing. Taken together these demonstrate a considerable level of local interest and opinion.
73. Other matters have been raised including the question of drainage and the potential for flooding, and have not been fully resolved to the satisfaction of the Lead Flood Authority. However, I am nonetheless satisfied that these matters could be further investigated and covered by planning conditions.

### **Balancing exercise**

74. I note there are now no highway objections to the proposal subject to conditions, and I am satisfied that there would be no unacceptably harmful impact on the site's trees. However, these are neutral, lack-of-harm considerations that neither weigh against or in favour of the proposal.
75. Overall, I consider none of these other considerations is sufficient to clearly outweigh the substantial harm that I have identified in terms of inappropriate development in the Green Belt, together with the additional harm that would be caused to the openness of the Green Belt, to the significance of the listed building and its setting, and to the living conditions of future occupiers. It would conflict with the policies of the development plan when taken as a whole, which seeks similar aims to those sought by the Framework, and there are no material considerations that warrant a decision being made other than in accordance with it.
76. For these reasons I conclude that the proposal does not amount to sustainable development, and the presumption in favour of such development does not apply. Therefore, I consider there are no very special circumstances to justify the proposal.

### **Conclusion**

77. Therefore, for the reasons given above, I conclude that the appeals should be dismissed.

*Nigel Harrison*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Tim Morris, Piece Regan  
Doug White, Millhouse Securities Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

John Dolman, Stafford Borough Council  
Alan Taylor, Stafford Borough Council  
John Holmes, Stafford Borough Council (14 March only)

### INTERESTED PERSONS:

P Clive, local resident (14 March only)  
P Roycroft, Ward Councillor

## DOCUMENTS

- 1) Council's letter dated 27 February 2017 notifying interested parties of the date and venue for the Hearing
- 2) Council's latter dated 15 March 2017 notifying interested persons of the date and venue for the resumed Hearing.
- 3) Petition signed by 40 local residents in favour of the proposed development.
- 4) Rose Condition Survey Report June 2016
- 5) Piece Regan External Condition Survey January 2016
- 6) Draft conditions – ecology

## PLANS

- A Plans showing proposed demolitions and new build (floor space calculations)