



Appeal Decision

Site visit made on 12 April 2023

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2023

Appeal Ref: APP/H0738/D/22/3306366

Staypleton House, Parsons Walk, Norton, Stockton-on-Tees TS20 1TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Dick, S D Print/Design, against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 22/0381/FUL, dated 10 February 2022, was refused by notice dated 27 June 2022.
 - The development proposed is described as, 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides and new boundary wall (resubmission following de-listing of property).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property and site were the subject of previous appeals, which I determined and dismissed based on the evidence before me¹. At that time Staypleton House was a Grade II listed building². Following this, the property was reassessed by Historic England (HE) and concluded to 'not possess special interest in the national context'³. As a result, it was removed from the National Heritage List for England (the NHLE) in January 2022.
3. The principal reasons cited in the HE Advice Report (the HE Report) for the de-listing of the building are: incorrect dating, found to be late 19th century not early 19th century; previous extensions having altered its appearance and compromised its historic character; its modern interior, with no historic fittings and fixtures; changes to its historic plan form; not a significant example of a modest late 19th century house and does not show any technological innovation or architectural virtuosity; and does not illustrate any important aspects of the country's history, or have any associations with any important historical individuals, groups, or events.
4. Nonetheless, the HE Report acknowledges that Staypleton House is 'clearly of local interest as a part of the historic village of Norton', with the 'countersigning

¹ Appeal Refs: APP/H0738/W/20/3253008 & APP/H0738/Y/20/3253009. Appeals against the Council's refusal to grant planning permission and listed building consent for 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; new flue & installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides' (resubmission of 19/1411/FUL & 19/1412/LBC). Decisions dated 5 October 2020.

² List entry number: 1139999. Date first listed: 19 Jan 1951.

³ Historic England. Advice Report, Case Number: 1476085. Dated 24 January 2022.

comments' reinforcing this view in affirming that it is 'an externally attractive late 19th century house which remains of some local interest'.

5. With regard to the above, the Council's Officer Report refers to Staypleton House as a 'locally listed building'. While the Appellant's evidence acknowledges that the building is a historic property⁴ albeit, in their view, of limited significance, and includes a reference to it being a 'non-designated heritage asset'⁵ (NDHA).
6. As the building's status is of relevance to the determination of the appeal and given the lack of clarity on this matter, at my request, the parties were given the opportunity to submit comments. The Council confirmed that Staypleton House is not formally locally listed, but highlighted that HE noted that it was of local importance, but no longer national. While the Appellant stated that they considered the term NDHA to be the 'correct status' of Staypleton House, with its value being limited and only relating to the contribution of the building to the Norton Conservation Area (the CA).
7. Having regard to the HE Report and the parties' submissions, I concur with the Appellant in so far as the correct status of Staypleton House is a NDHA, namely, a building which has a degree of heritage significance meriting consideration in planning decisions, but which does not meet the criteria for designated heritage assets⁶.
8. This status provides no statutory protection. However, Paragraph 203 of the National Planning Policy Framework (the Framework) advises that 'the effect of an application on the significance of a NDHA should be taken into account in determining the application'. Consequently, I have considered the appeal on this basis, and included this matter as a main issue. Given that both parties have had an opportunity to comment on the status of the building and have each considered the perceived effects of the proposal on the appeal property in their respective evidence, I am satisfied that their interests are not prejudiced by this approach.
9. Staypleton House is located within the CA. The CA's boundary is drawn tightly around the property, leaving the rest of the appeal site located outside of the CA, but acknowledged by both parties to be within its setting. As such and for the avoidance of doubt, only that part of the proposal sited within the CA is subject to the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). While all of the proposal located within the CA and its setting, is subject to the provisions within the Framework concerning designated heritage assets.
10. The evidence confirms that the appeal property and site are located within the vicinity of several listed buildings. These include St Mary's Church (Grade I); various tombs (Grade II); the Vicarage (Grade II); and Glebe Farmhouse (Grade II). Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings.
11. The enclosed churchyard/graveyard, adjacent public routes and verdant spaces, both public and private, that surround these designated heritage

⁴ Grounds of Appeal Para 2.9.

⁵ Forum Heritage Services: A report to support grounds for appeal against refusal of planning permission (ref. 22/0381/FUL) for a side extension and other works to Staypleton House. Dated September 2022. Para 3.22.

⁶ Planning Practice Guidance: Paragraph: 039 Reference ID: 18a-039-20190723.

assets, provide the space and opportunity to experience them and appreciate their special interest. On the whole, these 'settings' contribute positively to the listed buildings' significance as designated heritage assets.

12. From the information before me and my observations on site, given the location and form of the proposal in relation to the listed buildings, I consider that it would not diminish the ability to appreciate their significance and would preserve their settings. In this respect, the proposal would meet the requirements of section 66(1) of the Act. I also note that the Council did not consider any effects in this regard sufficiently harmful to justify a reason for refusal on this basis, and that Historic England were not notified of the proposal⁷. Consequently, I have not considered this matter further.

Main Issue

13. In the context of the above, the main issue is the effect of the proposal on: the significance of Staypleton House as a NDHA; the character or appearance of the CA; and the CA's setting.

Reasons

14. The appeal site (the site) occupies a fairly secluded position within the historic village of Norton. It contains Staypleton House along with a modern, detached, single-storey garage and other small timber outbuildings, all set within a sizeable garden. The site is enclosed by a combination of brick walls and close-boarded timber fences and accessed via a long private driveway. It is bordered by St Mary's Church and graveyard; Red House School and grounds; and Ridley Court, a residential complex. As stated above, Staypleton House is sited within the CA, but its curtilage is located outside of the CA boundary.

The significance of Staypleton House as a NDHA, the character and appearance of the CA, and the CA's setting

15. Staypleton House is a modest, detached, two-storey, domestic property, now confirmed as dating from the late 19th century. It is constructed of fair-faced brick with painted stone sills and lintels, and has a gabled pantile roof with two brick chimney stacks.
16. The HE Report sets out that historically, the building was a two-bay, two-storey, rectangular-plan house, with a projecting rear outshut forming an inverted and reversed two-bay 'L'-plan. The house was subsequently extended by a two-storey, single-bay to the north gable, and a garage to the space within the re-entrant angle formed by the main body of the house and the rear outshut⁸.
17. Staypleton House as a NDHA, by definition, must possess of itself a degree of heritage significance. Having regard to the submitted evidence and mindful of the definition of significance for heritage policy as set out in the Framework, I consider the building's significance to mostly stem from its local historic interest. Even though it has been substantially altered, it remains a good local illustration of late 19th century modest domestic architecture, to which its surviving historic fabric, simple architectural composition, and legibility of its

⁷ Historic England are required to be notified of development which the local authority think would affect the setting of a Grade I or II* listed building.

⁸ HE Report: Annex 1 'PLAN', p4.

historic plan form all contribute. Significance is also derived, in part, from the asset's spacious and verdant surroundings.

18. The CA encompasses the historic core of Norton. From the parties' submissions and my observations on site, I find the CA's prevailing character and appearance, and thus its special interest and significance, to largely stem from its surviving historic street pattern and green spaces, along with the variety and architectural richness of its historic buildings. The latter includes imposing landmark buildings as well as modest retail and domestic properties which, together, denote Norton's evolution. The CA's immediate setting, for the most part, also contributes to its significance.
19. By virtue of its identified local heritage merit, Staypleton House adds to Norton's historic and aesthetic charm. It reinforces the CA's special interest, and contributes to its character and appearance as a whole and thereby to its significance as a designated heritage asset. Moreover, its spacious and verdant curtilage, which forms part of the immediate setting to the CA, also contributes to the asset's significance in a positive way.

Effects of the proposal on the significance of Staypleton House as a NDHA, the character and appearance of the CA, and the CA's setting

20. Paragraph 203 of the Framework sets out that 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
21. I acknowledge the removal of Staypleton House from the NHLE. However, the building is still of local heritage merit. Given that this proposal is, for the most part, a resubmission of the previous scheme, the harmful effects to the building's significance identified at that time would, to some extent, still be realised.
22. The proposed extension would possess a degree of subservience to the historic property⁹. However, its scale and depth, which could not reasonably be described as modest, would subsume the surviving exposed historic gable and result in the loss of historic fabric. Moreover, the additional windows and door in the new side elevation would impart an undue prominence to what, historically, has been a secondary elevation.
23. The height and width of the proposed extension would 'mirror' those of the extension to the other side of the building which was granted listed building consent in 2000¹⁰. However, differences in the form and detailing of the proposed extension would be clearly perceptible. These include the incorporation of a splayed lintel above the first floor window, different first floor window opening detail, different eaves height and different rear roof pitch. As such, even with the use of carefully chosen materials to match the historic property, it would not successfully 'balance' the existing extension. Moreover, the formal subdivision of the building's spacious curtilage by a brick wall and ornate gate would add to this harm.

⁹ HE Report: Annex 1 'PLAN', p4.

¹⁰ Application Ref: 00/0468/P Listed Building Consent for the erection of two storey extension to side and erection of 1.75m high boundary wall. Granted 18 May 2000.

24. The HE Report confirms that the previous changes to Staypleton House have substantially altered its external appearance and compromised its historic character to the extent that it is no longer of national interest. Nonetheless, the building's heritage interest at a local level is still discernible, and the previous changes and the building's delisting do not justify the proposal.
25. In my opinion, the proposal would form additional incremental change to the external appearance of the property, that would further compromise and undermine the legibility of its historic plan form and modest character. In doing so, it would exacerbate the harm already caused by the previous extensions and alterations and further erode the building's local interest.
26. These identified harmful effects would be screened to a degree by existing boundary treatment and mature trees when viewed from the adjacent churchyard/graveyard. However, this would principally be in the spring and summer months when the trees would be in full leaf, and would not be the case in the autumn and winter months when leaf cover would be reduced. Moreover, they would be clearly visible in kinetic views when travelling along the adjacent public route towards the building.
27. I accept that additions and alterations incorporating the loss of historic fabric could be implemented under householder permitted development rights as set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), a point which I address in more detail below under Other Considerations. However this, of itself, does not invalidate the loss or the consequent harmful effects to the significance of this NDHA.
28. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that significance can be harmed or lost from the asset's alteration or destruction, or from development within its setting, and should require clear and convincing justification.
29. The proposal would not affect some of the identified elements of the CA's character and appearance. However, it would result in further harmful change to a building and site which form an important part of the local built backdrop of the area. To my mind, if the heritage interests of such a locally important building, which is clearly visible in views from adjacent public routes and spaces, are adversely diminished, it reasonably follows that there would be some residual and incremental harm to the character and appearance of the CA.
30. I note the Appellant's assertion that the symmetry and grander scale which would be realised by the proposal would accord with listed and unlisted buildings in close proximity to Staypleton House and within the CA. However, limited information of the examples cited has been provided and I cannot be certain that their historic development is comparable to the proposal before me. In any event, I have found that any aspiration of the building to achieve balance and a grander scale, would be to the detriment of its own local significance and the character and appearance of the CA.

Conclusion on main issue

31. In coming to my conclusion, I have had regard to the decision making context as outlined by the Appellant, including the statutory duty under section 72(1) of the Act, as well as the relevant policies and provisions contained within the Stockton-on-Tees Borough Council Local Plan 2019 (the SLP) and the Framework at the time of this decision, relevant guidance published by Historic England, and pertinent case law. I am also mindful that conservation is an active process of managing change to heritage assets, designated and non-designated, in ways that sustain, reveal or reinforce their heritage interests.
32. In undertaking a balanced judgement, I consider that the proposal would harmfully diminish the fundamental elements which contribute to the local interest and significance of Staypleton House as a NDHA. Additionally, I find that it would fail to preserve or enhance the identified character and appearance of the CA as a whole, and would harm its significance as a designated heritage asset by virtue of adverse development both within its boundary and within its setting.
33. As a result, the proposal would be contrary to Policies SD5 (3d) and HE2 (2 and 3) of the SLP which together and amongst other things, seek to conserve and enhance the historic environment and Stockton's heritage assets. It would also fail to meet the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Considerations

34. The Appellant emphasises the fallback position that, as an unlisted single dwellinghouse within a conservation area, Staypleton House benefits from extensive permitted development rights as set out within the GPDO. On this basis, they submit that a variety of alterations and extensions to the property, as well as the construction of outbuildings within its curtilage, could be implemented without the need for planning permission.
35. I recognise the latitude of the relevant permitted development rights in this instance. However, in the absence of any details of such development, I cannot evaluate its effects in comparison to the appeal proposal. Moreover, given that the Appellant 'does not want to implement their permitted development rights to the full extent that Parliament has granted them under the GPDO'¹¹, I am not persuaded that there is any greater than a theoretical possibility that such development might take place, or that it would be a realistic alternative to what is proposed as part of this appeal. Nor am I convinced that any such development would be appreciably more harmful than the scheme before me to justify allowing the appeal. These considerations severely limit the weight that I attach to this stated fallback position.
36. I have had regard to the grant of consent for the previous extension in 2000 and that a similar proposal was granted consent in 2008¹². Nevertheless, whilst the relevant statutory duties of the Act have not changed and I acknowledge that the building has been delisted, there have been significant and material changes to the national and local policy context against which the proposal is

¹¹ Planning Support, Design and Access Statement, Para 2.8.

¹² Application Ref: 08/0681/LBC Listed Building Consent for two storey extension to side and rear and the erection of a garage (demolition of existing garage) and new 1.8m high wall. Granted 3 June 2008.

determined. Namely, the publication of the Framework in 2012 (latest revision in 2021) and the adoption of the SLP in 2019.

37. Whilst the Appellant contends that these changes have resulted in the policy framework being more pragmatic and positive towards development, no compelling evidence which is relevant to the appeal before me has been provided in this regard. As such, I am of the opinion that, given this material change in circumstances, the previous grants of listed building consent by the Council do not provide a reason to allow the appeal and limits the weight I attach to them.
38. The Appellant highlights the 'test' in the Framework that, 'permission should be granted unless...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. However, this test is only applicable where Paragraph 11(d) of the Framework is engaged, and there is no evidence to suggest that this is the case in this instance.
39. The Appellant raises concerns about the weight that the Council incorrectly gave to the status of Staypleton House as a 'locally listed building' in the determination of the application. However, the behaviour of the Council at that time is not within the remit of my considerations as part of an appeal under section 78 of the Town and Country Planning Act 1990.
40. I note that there were no objections to the proposal submitted by neighbours, the Norton Village Association, or internal and external consultees to the Council. Nevertheless, this is a neutral consideration and weighs neither for nor against the appeal.

Balance and Overall Conclusion

41. I have found that the proposal would result in harm to the significance of Staypleton House as a NDHA. I have also found that it would fail to preserve the character and appearance of the CA, and that it would harm the CA's significance as a designated heritage asset from development within its boundary and its setting.
42. In relation to the CA, with reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, including from development within its setting, the magnitude of that harm should be assessed. Given the fairly localised nature of the proposal, I consider any harm to be less than substantial. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight.
43. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, securing the optimum viable use of the area-based asset as a whole, such as a conservation area, is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. Nonetheless, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration¹³.

¹³ Planning Practice Guidance: Paragraph: 016 Reference ID: 18a-016-20190723.

44. Mindful of the advice set out in the Planning Practice Guidance¹⁴, I acknowledge that there are elements of the proposal which would be of public benefit. Heritage benefits to Staypleton House as a NDHA and the CA would accrue from the removal of the dilapidated garage. There would also be some social and economic benefits brought about by improvements to the existing housing stock, investment into the property and the construction phase.
45. These outcomes would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The scale of the benefits would be considerably tempered by the extent of the proposal, but still carry moderate weight in favour of the appeal.
46. Nonetheless, the primary outcome of the proposal, namely the creation of additional accommodation, would be of private benefit to the Appellant and any future occupier(s) of the building. Moreover, in considering securing the optimum viable use of this individual heritage asset within the CA, no substantive evidence is before me which demonstrates that the habitation of the building as a dwelling would be at risk if the development as proposed were not implemented, or that similar heritage and public benefits could not be realised by a scheme which would be less harmful.
47. The proposal could be said to make more effective and efficient use of previously developed land. However, the Framework is clear that the effective use of land should also safeguard and improve the environment, which I find that the proposal would not do in respect of the historic environment. Furthermore, given the detail of the proposal, any public benefits delivered in this regard would be limited.
48. Consequently, the moderate weight that I ascribe to the public benefits which would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm to the significance of the CA.
49. Taking all of the above into account, overall, I afford substantial weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford moderate weight to the benefits referred to above, material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.
50. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

¹⁴ Planning Practice Guidance, Paragraph: 020 Reference ID: 18a-020-20190723.