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## Appeal Decision

Site visit made on 3 November 2014

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 13 November 2014**

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**Appeal Ref: APP/C9499/F/14/2220551**

**The Coach House, Taitlands, Stainforth, Settle BD24 9PH**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Emma Milligan against a listed building enforcement notice issued by the Yorkshire Dales National Park Authority (YDNPA).
  - The Council's reference is EC/64/28B.
  - The notice was issued on 14 May 2014.
  - The contravention of listed building control alleged in the notice is: the demolition or the alteration of the building, namely the erection of an extension to the North elevation of the building comprising of a marquee attached to the building by a plywood link.
  - The requirements of the notice are to: demolish the extension, making good to any damage to the building using stone materials and pointing to match those parts of the elevation undisturbed by the unauthorised works.
  - The period for compliance with the requirements is Two months.
  - The appeal is made on grounds (a), (e), (g) and (h) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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### Decision

1. The appeal succeeds to a limited degree on ground (h) only. Otherwise the appeal is dismissed and the listed building enforcement notice is upheld as varied. (See formal decision below).

### Background information

2. 'Taitlands' is a Grade II listed building constructed in the Greek Revival style and was listed in 1958. It dates back to the 1800s and has a separate Coach House which is listed by virtue of it being a curtilage structure. The building is located on the Horton-in-Ribblesdale to Settle Road (B6479) approximately 250m to the south of Stainforth. It is currently in use as a wedding venue with accommodation provided within the main house and functions in the converted Coach House. The Marquee is attached to the Coach House and is located in the former stable yard to the north of the building.

3. Listed Building Consent (LBC) was conditionally approved in April 2010 for the refurbishment of 'Taitlands', associated bungalow (now demolished), barn and coach house and the change of use of the site to form a function centre. Planning Permission (PP) was also approved for the function use subject to conditions and a s106 agreement tying the control of the main house and associated buildings to a dwelling until the commercial operation within the coach house had commenced. Retrospective PP and LBC were both refused for a Marquee and plywood link in April 2014. The Marquee and the link are now the subject of the listed building enforcement notice.

4. The relevant Yorkshire Dales Local Plan (YDLP) Policies are as follows: Policies GP1 and GP2 which respectively cover the statutory purpose of the Park and general design principles required; Policy B13 which seeks to ensure that development respects the architectural and historic interest of the building and Policy b14 which seeks to ensure that alterations and extensions to buildings protect the character of the architectural integrity of the building and its setting in terms of materials and design.

5. Policies within the National Planning Policy Framework (NPPF) are also relevant including those which seek to ensure good design (section 7) and those which seek to conserve and enhance the historic environment (section 12). I have had regard to all of the relevant NPPF policies as well as to relevant guidance set out in the national Planning Practice Guidance (PPG). In accordance with the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA), I have had special regard to the desirability of preserving the listed building, or its setting or any features of special architectural and historic interest which it possesses.

### **The appeal under ground (a)**

6. It is evident that the Coach House forms part of the grouping of buildings associated with Taitlands and it lies within its curtilage to the north of the main house and to the north west of the walled garden. Clearly this would have been the case at the time of listing. There is no dispute between the parties in this respect.

7. Section (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) states that for the purposes of the Act, '*listed building*' means a building which is included in a list compiled by the Secretary of State under this section and, for the purposes of the Act includes: *(a) any object or structure fixed to the building: (b) any object or structure within the curtilage of the building which, although not fixed to the building forms part of the land and has done so since before 1<sup>st</sup> July 1948.*

8. The Coach House is not physically fixed to the main house but it is evident that it has been in place since well before 1 July 1948 and is definitely within the curtilage of the listed building. Therefore, for the purposes of the Act it is deemed listed, even though it is not specifically mentioned in the list description. On behalf of the appellant it is contended that this should not preclude consideration of the issue of whether the Coach House is a building of special architectural or historic interest. My attention is brought to the comments of the YDNP officers when granting approval for alterations to the Coach House.

9. Having seen the Coach House and having considered all of the representations, I consider that it is of significant special historic interest due to its association and physical relationship with the main house. I also agree with the planning authority that it possesses a certain degree of architectural detail similar to those found in the main house. The special details of architectural interest include the uniform arrangement of doors and windows; the details of door and window surrounds and the uses of curved arches. I consider that, along with the other buildings within the curtilage of Taitlands, it is worthy of preservation and there is no justification to remove its listed status (granted by section (5) (b) of the PLBCAA). The appeal under ground (a), therefore fails.

### **The appeal under ground (e)**

10. The main issue is the effect that the Marquee and the associated works of fixing and roof drainage have had on the preservation of the Coach House; on its setting (and that of the main house) and on its special features of architectural and historic interest.

11. Having seen the Marquee in situ and having viewed it from various distant viewpoints, I share the YDNP's concerns about its impact on the character and appearance of the Coach House. The Marquee appears as an obtrusive and visually harmful element attached to the Coach House. I agree with the authority that it is a poor standardised solution to this function area part of the site. The crude fixings and the plywood link exacerbate the harm caused to this part of the listed structure and, in my view it is a totally inappropriate addition to the historic and architecturally interesting group of buildings at Taitlands.

12. Whilst accepting that modern Marquees can temporarily provide accommodation in historic settings, there can be no place for a permanent poor quality structure of this type, attached to a fine listed building such as this. The Marquee fails to respect the historic setting of the Coach House as well as detracting markedly from the setting of the main house.

13. During my visit I was able to see the Marquee from the main road; from the edge of village and from higher ground on the Giggleswick Road which runs north/south to the west of Taitlands on the other side of the valley. From all of these viewpoints the Marquee was seen as an alien addition to the historic setting of Taitlands. It was prominent and obtrusive even though it is hidden from view to a large extent when seen from the front of the main house.

14. In terms of its materials and design the Marquee fails to protect the character and integrity of the listed Coach House; it is harmful to its setting and to that of the main house and the various fixings and materials used in connecting the Marquee to the building are harmful to its architectural and historic features. I find it contrary to policies B13, GP1 and GP2 of the adopted local plan. I also find it contrary to policies within the NPPF and especially those relating to the requirement for good design (section 7) and the conservation and enhancement of our historic environment (section 12).

15. I have concluded above that the Coach House is significant in relation to the grouping as a whole. With regard to the level of harm caused, I consider that it can be defined as 'less than substantial' (see paragraph 134 of the NPPF). However, there are no public benefits against which this harm can be balanced and for the reasons set out above I do not consider that listed building consent should be granted for the retention of the Marquee and the associated fixing works. Nor do I consider that a temporary consent is appropriate. The appeal also fails, therefore, on ground (e).

### **The appeal on ground (g)**

16. It is contended that there are no permanent works or fixings that have affected the character of the building. However, I disagree. There are crude metal fixings between some of the plywood sections and the stone walls as well as a fixed plastic guttering system between the Marquee and the Coach House. Whilst accepting that minor screw holes can easily be remedied by simply filling them in, the fixings and guttering have been used to attach the Marquee to the building and it is not unreasonable to make good any damage, however minor, that may have been caused to the building.

17. With regard to the demolition of the Marquee I consider that this is necessary due to the harm caused and which I have identified above. I do not consider, therefore, that the requirements of the notice exceed what is necessary for restoring the Coach House to its condition before the works were carried out. When the Marquee is removed the extent of the making good works should be quite evident and any damage caused by the fixing of the Marquee to the building will need to be made good. The appeal also fails on ground (g).

### **The appeal on ground (h)**

18. I agree with the arguments put forward on behalf of the appellant that 2 months falls short of what should reasonably be allowed. Clearly, the Marquee will have to be removed and this will affect the business. I acknowledge that, due to the nature of the business, advanced bookings need to be honoured. Furthermore the loss of future business could have a detrimental impact on the general upkeep of the listed buildings at Taitlands.

19. Also, if an alternative solution to the Marquee is to be found, which involves the necessity to seek approvals, it is likely to take much more than 2 months to negotiate with the authority and to prepare the necessary submissions. Despite the history relating to previous promises that the Marquee would already have been removed, I consider that a period of 6 months from the date of this decision is reasonable and appropriate. I shall, therefore, vary the listed building enforcement notice accordingly and the appeal succeeds to this limited degree only on ground (h).

### **Other Matters**

20. In reaching my conclusions on all of the grounds of appeal I have taken into account all of the other matters raised by the YDNP and on behalf of the appellant. I have also taken into account the third party representations from nearby residents. These matters include the full planning history of the site; the detailed grounds of appeal; all of the points set out in the main parties' statements; the submitted appendices including the English Heritage document 'Temporary Structures in Historic Places'; reference to the Premises Licence and noise and disturbance caused by the use of the Marquee and all of the points set out in the appellant's final comments dated 19 August 2014.

21. However, none of these matters carry sufficient weight to alter my conclusions on the grounds of appeal and nor is any other factor of such significance so as to change my decision.

### **Formal Decision**

22. The appeal succeeds to a limited degree on ground (h).

23. The Listed Building Enforcement Notice is varied by deleting the word 'two' before the word 'months' in part 6 of the notice (TIME FOR COMPLIANCE) and by substituting therefor the word 'six'.

24. The appeal is dismissed and the Listed Building Enforcement Notice is upheld as varied above and Listed Building Consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended at, The Coach House, Taitlands, Stainforth, Settle BD24 9PH.

*Anthony J Wharton*

Inspector

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