

## The Planning Inspectorate

### Questionnaire (s39) Listed Building Enforcement Notice (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

This and any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/C3430/F/24/3350323

Appeal By

MR LEWIS PRICE

Site Address

The Kings Repose, New Road  
Featherstone  
South Staffordshire  
WV10 7NW

#### PART 1

1.a. Do you agree to the written representation procedure? Yes  No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain

To fully examine the windows

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes  No

#### PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. appeals under s78 or s174 of the Town and Country Planning Act 1990, or under s20 or s39 of the Listed Buildings Act 1990? Yes  No

4.a. Is the appeal site within a conservation area? Yes  No

4.b. Is the appeal site adjacent to a conservation area? Yes  No

5. As this appeal relates to a listed building enforcement notice, please enclose a copy of the listing of the building or premises specified in the enforcement notice.

[see 'Questionnaire Documents' section](#)

6. Has payment been made of a grant for this building under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? Yes  No

7. Has any listed building consent been granted previously in respect of the works? Yes  No

### PART 3

8.a. a copy of the letter with which you notified people about the appeal.

[see 'Questionnaire Documents' section](#)

8.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.

[see 'Questionnaire Documents' section](#)

The deadline you gave for their comments to be sent to us.

07/01/2025

8.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

[see 'Questionnaire Documents' section](#)

8.d. where ground (e) (s39) has been pleaded, a comprehensive list of conditions which you consider should be imposed if listed building consent is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

9.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan).

List of policies

Core policy 2, EQ3 and 11

[see 'Questionnaire Documents' section](#)

9.b. extracts of any relevant policies which have been 'saved' by way of a Direction.

9.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

9.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

9.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

9.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

9.g. your Authority's CIL charging schedule is being/has been examined;

9.h. your Authority's CIL charging schedule has been/is likely to be adopted;

9.i. any other relevant information or correspondence you consider we should know about.

## PART 4

10. A true copy of the Enforcement Notice

see 'Questionnaire Documents' section

11. The Enforcement Notice Plan (if applicable)

see 'Questionnaire Documents' section

12. A list of those served with the Notice

see 'Questionnaire Documents' section

13. Do you wish to attach your statement of case?

Yes

No

## LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

17/00489/LBLDGH

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Salindra Shakespeare

Phone no (including dialling code)

01902696274

Email

Appeals@sstaffs.gov.uk

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/C3430/F/24/3350323

Appeal By MR LEWIS PRICE

Site Address  
The Kings Repose, New Road  
Featherstone  
South Staffordshire  
WV10 7NW

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 2  
**Document Description:** 5. A copy of the listing of the building or premises specified in the enforcement notice.  
**File name:** 10 Listed building listing-Historic England.pdf

**Relates to Section:** PART 3  
**Document Description:** 8.a. A copy of the letter with which you notified people about the appeal.  
**File name:** 9 Appeal notice.pdf

**Relates to Section:** PART 3  
**Document Description:** 8.b. A list of the people you notified of appeal.  
**File name:** 8 LOIP - Featherstone and Brinsford.pdf

**Relates to Section:** PART 3  
**Document Description:** 8.c. The planning officer's report to committee or delegated report and any other relevant document/minutes.  
**File name:** 2 Officer report.pdf

**Relates to Section:** PART 3  
**Document Description:** 9.a. Extracts from any relevant statutory development plan policies.  
**File name:** 3 Core strategy front page.pdf  
**File name:** 4 Policies.pdf

**Relates to Section:** PART 4  
**Document Description:** 10. A true copy of the Enforcement Notice.  
**File name:** 6 Enforcement Notice.pdf

**Relates to Section:** PART 4  
**Document Description:** 11. The Enforcement Notice Plan.  
**File name:** 5 Enforcement Notice plan.pdf

**Relates to Section:** PART 4  
**Document Description:** 12. A list of those served with the Notice.  
**File name:** 7 List those served notice.pdf

Completed by Not Set

Date 29/11/2024 10:11:26

LPA South Staffordshire District Council



## Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR OF PLACE AND COMMUNITIES, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

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**ENFORCEMENT REFERENCE:** 17/00489/LBLDGH

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**ADDRESS:** The Kings Repose, New Road, Featherstone, South Staffordshire WV10 7NW ("the Building").

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### **THE CONTRAVENTION OF LISTED BUILDING CONTROL ALLEGED:**

Without Listed Building Consent, the execution of alterations and works ("the Works"), to the Building namely the installation and/or replacement of all of the windows in the building with UPVC double glazed windows, together with ancillary works affecting the exterior of the property, including but not limited to the installation of satellite TV dishes, lighting, air conditioning units and security gates, the full extent of which is listed on Schedule 1 of the Listed Building Enforcement Notice ("the Notice").

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### **POLICY CONSIDERATIONS:**

#### **National Planning Policy Framework**

- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

#### **Adopted Core Strategy**

#### Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

- EQ3: Conservation, Preservation and Protection of Heritage Assets
  - EQ11: Wider Design Considerations
- 

### **RELEVANT PLANNING HISTORY:**

There is no planning history for this building.

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### **CASE SUMMARY:**

The Building is a Grade II listed building listing entry 1374114, converted from former agricultural buildings circa 1700 to its current use as a restaurant and residential accommodation. The restaurant is situated in the east wing of the Building.

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In September 2017, the Council received a complaint relating to the historic installation of UPVC windows in the Building.

In October 2017 a letter was sent to the owner of the Building and a response was received from the tenant of the restaurant informing the Council that the windows in the restaurant, (the east wing), were replaced with wooden framed windows less than a year before. No response was received from the owner in relation to the UPVC windows in the remainder of the Building. A further letter sent in February 2018 did not elicit a response.

Due to a backlog of work and the pandemic the case lay dormant but was resurrected in early 2023 and contact was made with the owner. He stated that UPVC windows had been installed many years ago as part of a programme of replacement. A site visit was arranged.

Site inspections took place by Council officers on 14<sup>th</sup> February 2023 and 23<sup>rd</sup> May 2023 respectively. It was noted that whilst wooden framed windows had been installed in the east wing, the front door and door frame had been replaced in UPVC. The remainder of the Building had white framed UPVC double glazed windows with the whole building having had installed external works consisting of plastic guttering; pipework and additions of security lighting and CCTV that had been undertaken without the benefit of Listed Building Consent.

Paragraph 135 of the National Planning Policy Framework (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

Paragraph 203 of the NPPF states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

Paragraph 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Policy EQ3 of the South Staffordshire Core Strategy adopted 2012 states that:

b) the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

e) The Council will consider the significance and setting of all proposed works to heritage assets, informed by relevant guidance that is supported by English Heritage. In addition the following principles will be adhered to:

- minimising the loss and disturbance of historic materials
- using appropriate materials, and
- ensuring alterations are reversible

f) The Council will require all works proposed to heritage assets, or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

Policy EQ11 of the South Staffordshire Core Strategy adopted 2012 states that:

f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;

g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;

j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;

k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements.

The installation of modern white UPVC double glazed windows and UPVC door and door frame and the external works are modern in design, materials and appearance. They are incongruous to the period of the listed building and disrupt the architectural integrity of the property. Their installation affects the character of the Building as a building of special architectural or historic interest. The works that have been undertaken are therefore contrary to paragraphs 130, 197, 200 and 201 of the National Planning Policy Framework and Policies EQ3 and EQ11 of the South Staffordshire Core Strategy adopted 2012.

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**EXPEDIENCY OF ENFORCEMENT ACTION:**

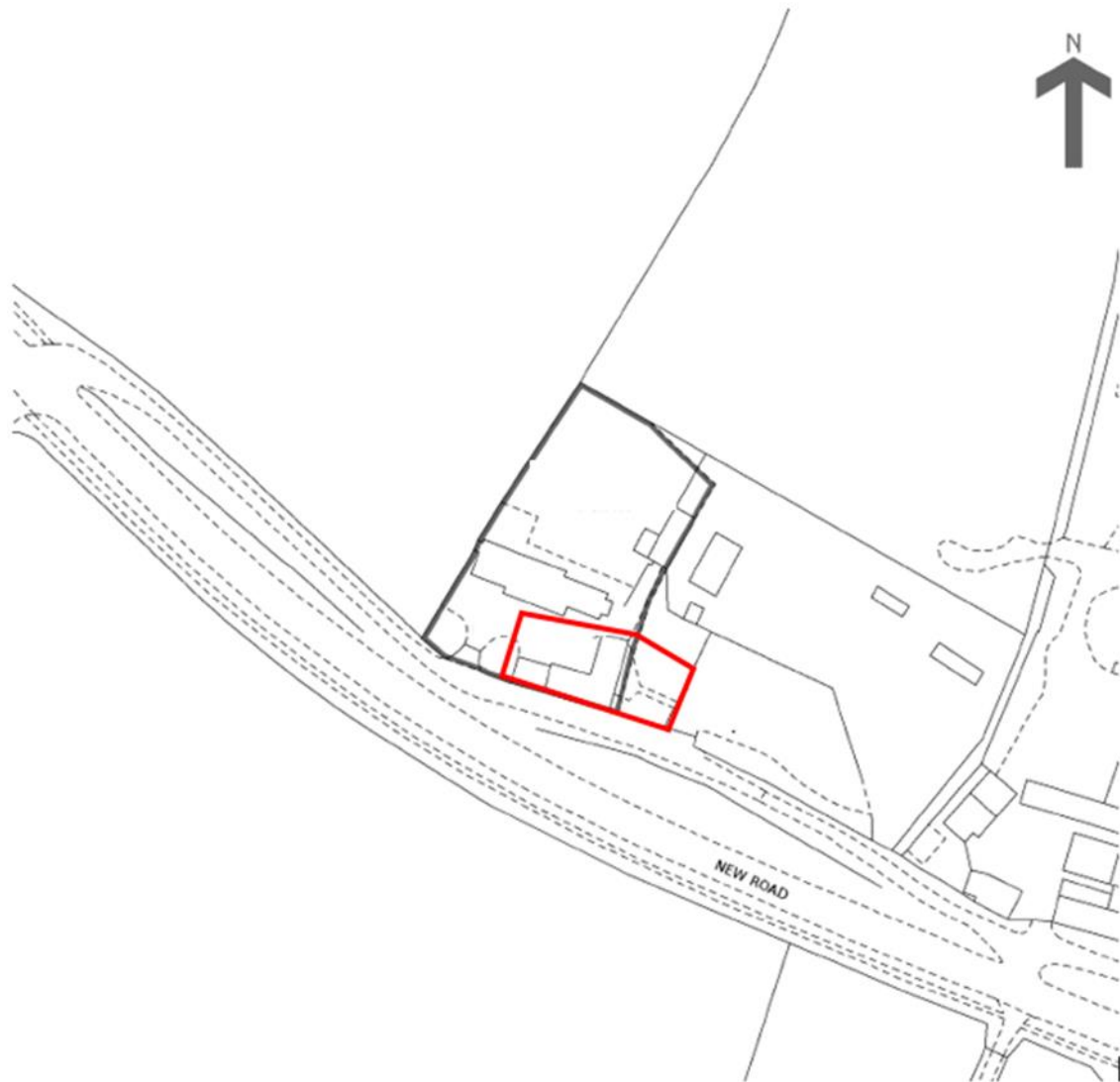
Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. This case relates to the works detailed at Part 3 of the Notice that have been carried out to a Grade II listed building without listed building consent.

The works would appear to have been carried some years ago. The owner of the Building has been spoken to and suggests it will be some time before he can replace them but at present is unable to commit to do so. The Council is sympathetic to the costs involved and as such has prepared the Notice to secure a phased replacement of the windows over a period of three years. The owner has stated he will appeal the Notice in any event and this will add extra time for him to secure the costs involved in carrying the works however at this juncture, given that he is unwilling to commit to carrying out the works, the Council are left with no alternative but to secure the restoration of the building through the issuing of the Notice.



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RED LINE PLAN TO ACCOMPANY LISTED BUILDING ENFORCEMENT NOTICE  
THE KINGS REPOSE, NEW ROAD, FEATHERSTONE, SOUTH STAFFORDSHIRE WV10 7NW



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TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

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**CASE OFFICER DECLARATION:**

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**CASE OFFICER:** Mark Bray  
**POSITION:** Planning Enforcement Consultant  
**DATE:** 3<sup>rd</sup> May 2024

**Signed:**



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**LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:****DECLARATION:**

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**NAME:** Catherine Gutteridge  
**POSITION:** Planning Enforcement Team Manager  
**DATE:** 3 May 2024

**Signed:**



**DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

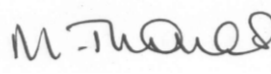
I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**NAME:** Matthew Thomas  
**POSITION:** Assistant Team Manager (North)  
**DATE:** 10/05/2024

**Signed:** 

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**LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**NAME:** Pardip Sharma  
**POSITION:** Solicitor  
**DATE:** 29/7/24

**Signed:** Via E-mail 29/7/24

**AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

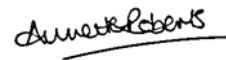
I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director Corporate Director of Place and  
Communities



**DATE:** 2<sup>nd</sup> August 2024

**Signed:**

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South Staffordshire Council

# Core Strategy

December 2012



Further information can be found at  
[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)



A Local Plan for  
South Staffordshire

# **Core Strategy Development Plan Document**

**Adopted 11<sup>th</sup> December 2012**

South Staffordshire Council

- 7.3 South Staffordshire is comprised of a variety of landscapes, with historic landscapes, extensive areas of forest, areas of heathland, commons, rivers and water courses. Some landscape character types have suffered losses or degradation, and the District's landscape is affected by change arising from development, mineral working and agriculture. There are a number of initiatives covering part of the District that aim to achieve enhancements to the existing landscape and create valuable new habitats that can play a part in increasing biodiversity value within the District and these include the Forest of Mercia.
- 7.4 There are currently 11 sites of Special Scientific Interest (SSSI) in the District including Motte Meadows, Kinver Edge and Highgate Common. Motte Meadows is also a National Nature Reserve and a Special Area of Conservation (SAC) designated under the Habitats Directive. There are also many other Sites of Biological Importance (SBI) across the District of various habitat types that require on-going protection and management including important areas of lowland heathland and ancient woodland. In addition, there are 5 Local Nature Reserves (LNR) in the District including Shoal Hill Common and Wom Brook Walk. The western edge of the Cannock Chase Area of Outstanding Natural Beauty (AONB) lies within the District.
- 7.5 South Staffordshire has a total of 19 conservation areas, most of them based upon historic village centres, which include canal conservation areas covering the Staffordshire and Worcestershire Canal, Shropshire Union Canal, and the Stourbridge Canal. There are over 850 listed buildings and structures in the District and a range of other buildings and structures of local importance. In addition, there are 23 Scheduled Ancient Monuments (SAMs).

### **Core Policy 2: Protecting and Enhancing the Natural and Historic Environment**

The Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets including ecological networks internationally, nationally and locally important designations. Particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District including the development of green infrastructure links and to improve the historic environment where it is identified as at risk.

Development or initiatives will generally be supported which:

- a) will not have a detrimental impact upon the interests and significance of a natural or heritage asset;
- b) are not contrary to the control of development within internationally, nationally or locally designated areas including the Green Belt and Open Countryside, Cannock Chase Area of Outstanding Natural Beauty and Motte Meadows Special Area of Conservation, and contribute to the conservation and enhancement of the character of the landscape and local distinctiveness;

- c) are consistent with the sustainable management of the asset including the repair and reuse of historic buildings;
- d) protect and improve water and air quality;
- e) provide mitigation or compensatory measures to address any potential harmful implications and supporting enhancement measures.

Development proposals should be consistent with the NPPF, the Supplementary Planning Documents on the Historic Environment and Biodiversity and other local planning policies.

Development proposals should have regard to and support the actions and objectives of the Severn and Humber River Basin Management Plans (RBMPs) and also have regard to the River Severn and River Trent Catchment Flood Management Plans (CFMPs).

### **Explanation**

7.6 The Policy should be regarded as a positive policy that will support the protection and enhancement of South Staffordshire's natural and historic environment and reflects the importance attached to the assets in Strategic Objectives 3, 4 and 5. The natural and heritage assets in South Staffordshire can be identified as follows:

- The South Staffordshire portion of the West Midlands Green Belt
- The Open Countryside – its landscape character and appearance;
- The best and most versatile agricultural land;
- The character and setting of villages;
- Cannock Chase Area of Outstanding Natural Beauty (AONB);
- The Forest of Mercia;
- Statutory and local areas of wildlife and biological importance, including a National Nature Reserve, Sites of Scientific Interest;
- Motte Meadows Special Areas of Conservation (SAC);
- Protected species and their habitats;
- Regionally Important Geological/Geomorphological Sites;
- Ancient and semi-natural woodlands and veteran trees;
- Trees, woodlands and hedgerows;
- Areas of lowland heath;
- Rivers, watercourses and their floodplains, canals and ponds;
- Buildings, structures and areas of townscape, historic and architectural value and their setting – listed buildings, conservation areas, buildings of special local interest;
- Registered parks and gardens of historic interest including historic landscape areas;
- Sites or structures of archaeological importance – Scheduled Ancient Monuments, sites shown on the Sites and Monuments Record (SMR);
- Land of open space, recreational and amenity value;
- The public rights of way network.



- 7.7 Supporting, enhancing and protecting these assets will require the maintenance of strong partnerships with key partners, such as English Heritage, Natural England and the Environment Agency. The policies in the Core Strategy will contribute to the protection and management of the Cannock Chase AONB and contribute towards the aims and objectives of the Forest of Mercia. The Core Strategy will also make a major contribution towards achieving the objectives of the Staffordshire Biodiversity Action Plan (SBAP).
- 7.8 The approach to the management and protection of the Cannock Chase AONB will be covered in a Supplementary Planning Document (SPD). Further Supplementary Planning Documents will be prepared in relation to biodiversity and landscape character and linked to the relevant Core Strategy policies.

### **Key Evidence**

Sustainable Community Strategy 2008 – 2020  
South Staffordshire Council Plan –2012 - 2016  
Habitats Regulation Assessment Review of the Core Strategy 2010  
Staffordshire Biodiversity Action Plan 2001  
Staffordshire Geodiversity Action Plan 2004  
Staffordshire Ecological Records  
Tree and Woodland Strategy 2010  
Open Space Strategy 2009  
Conservation Area Appraisals and Management Plans 2010  
Village Design Guide SPD 2009  
Buildings of Special Local Interest  
Historic Environment Assessment 2011  
Cannock Chase AONB Management Plan 2009 - 2014  
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010  
Cannock Chase Visitor Impact Mitigation Strategy 2010  
Assessment of Physical and Environmental Constraints 2009  
Planning for Landscape Change – Staffordshire County Council SPD 1996-2011  
Humber River Basin Management Plan 2009  
Severn River Basin Management Plan 2009  
River Severn Catchment Flood Management Plan 2009  
River Trent Catchment Flood Management Plan 2010  
Air Quality Updating and Screening Assessment 2009

### **Delivery and Monitoring**

Through Development Policies EQ1, EQ2 ,EQ3 and EQ4

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

**Policy EQ3: Conservation, Preservation and Protection of Heritage Assets**

The conservation and enhancement of South Staffordshire's historic environment will be achieved by a number of means:

a) The Council will establish, review and maintain records of known heritage assets including:

- Listed buildings
- Scheduled Ancient Monuments
- Conservation Areas
- Registered Parks and Gardens
- Buildings of Special Local Interest (a 'local list')
- Undesignated heritage assets
- Other historic landscapes

and will support and encourage ever greater appreciation, knowledge and enjoyment of the District's historic environment and heritage assets through:

- joint working with local communities and interest groups such as civic and historical societies;
- the continual development and refinement of the Local List; and
- interaction with the County Council's Historic Environment Record (HER).

b) The Council will support and encourage measures which secure the improved maintenance, management and sustainable reuse of heritage assets, particularly those which are identified nationally or locally as being at risk. Where necessary an assessment will be made of whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

c) The Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

d) In the case of development in a conservation area proposals will be considered against any management plan and appraisal adopted for that area.

e) The Council will consider the significance and setting of all proposed works to heritage assets, informed by relevant guidance that is supported by English Heritage. In addition the following principles will be adhered to:

- minimising the loss and disturbance of historic materials
- using appropriate materials, and
- ensuring alterations are reversible

f) The Council will require all works proposed to heritage assets, or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

Heritage assets including Listed Buildings (and those on a local list) Registered Parks and Gardens (and other historic landscapes) Conservation Areas and Scheduled Ancient Monuments are identified on the Policies Map and Inset Plans.

Development proposals should be consistent with the NPPF, the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and other local planning policies.

### **Explanation**

- 7.15 South Staffordshire's historic environment is a rich and varied, finite and vulnerable resource which results from the District's evolution over thousands of years. It includes natural and man-made landscapes as well as the historic built environment. The inevitable and continuous processes of change and development create pressures on this resource and policies are needed to ensure its continued conservation.
- 7.16 Recent changes in national policy have introduced two terms to encompass this very broad spectrum. "Designated heritage assets" include Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas; whilst "Heritage assets" are essentially those identified by the Council in its decision making processes and include local listings.
- 7.17 In order to ensure that the historic environment has a sustainable future it is essential that decisions are informed by a sound evidence base. This is wide ranging and includes Staffordshire County Council's Historic Environment Records, Historic Characterisation and Landscape Characterisation mapping, Extensive Urban Surveys (for towns and villages with a market charter) and, in conjunction with English Heritage, the West Midlands Farmsteads and Landscapes Project Survey.
- 7.18 The Council commissioned appraisals of its 11 village conservation areas. These informed the production of Management Plans for each area, which will be reviewed and updated every 5 years. This will ensure an up-to-date basis for planning decisions in these conservation areas. In addition the County Council has completed a series of Historic Environment Character Assessments for 14 of the District's villages. This, together with the Council's

own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

**Key Evidence**

Sustainable Community Strategy 2008 - 2020  
Conservation Area Appraisals and Management Plans 2010  
Village Design Guide SPD 2009  
Buildings of Special Local Interest (on going)  
Historic Environment Character Assessment 2011  
Assessment of Physical and Environmental Constraints 2009  
West Midlands Farmsteads and Landscapes Project 2010

**Delivery and Monitoring**

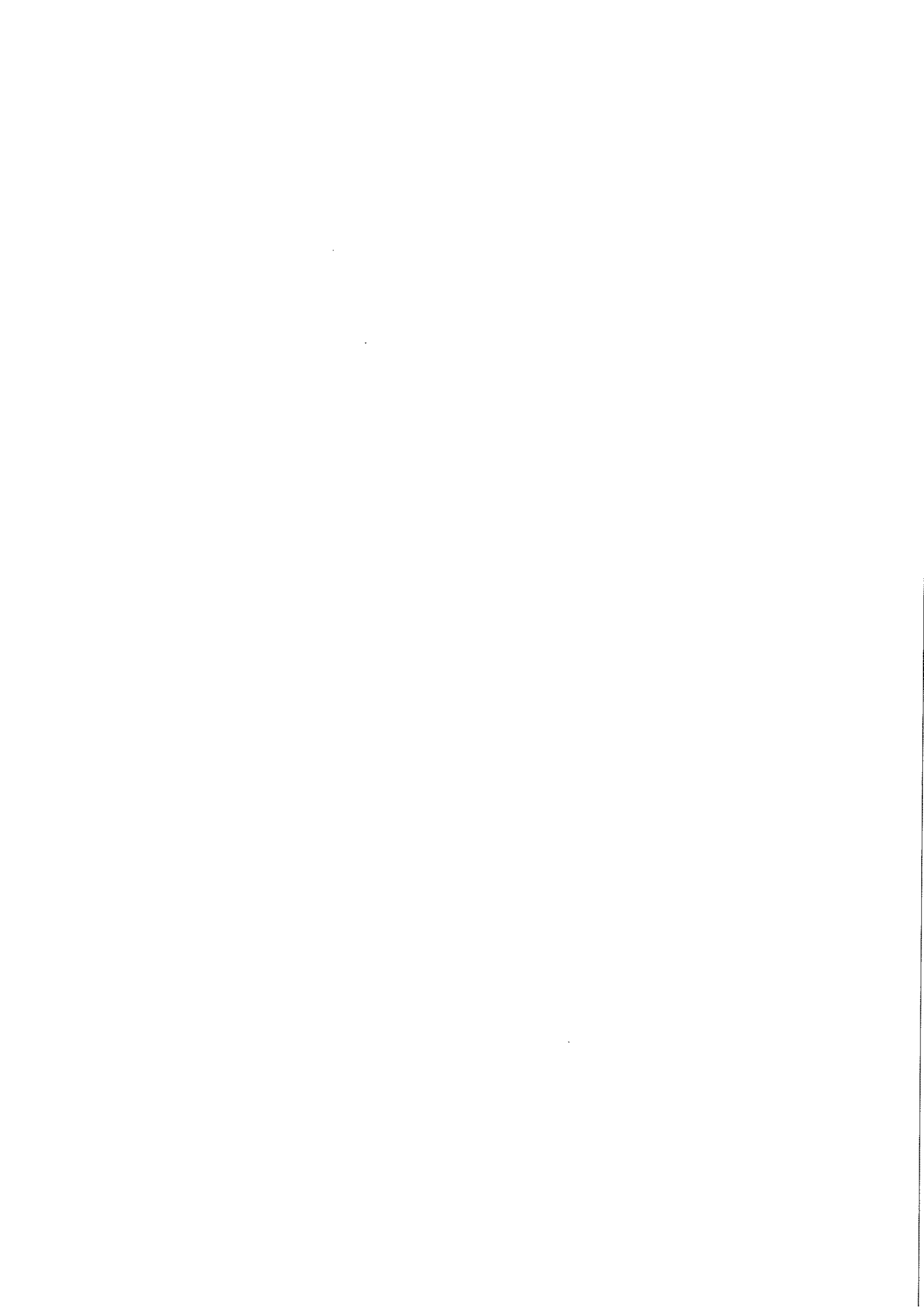
Through the Development Management process in consultation with English Heritage, the County Council and other partners  
Conservation and Design advice  
Conservation Area Management Plans  
Village Design Guide SPD(or subsequent revisions)  
Historic Environment SPD  
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

**Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape**

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands



Village Design Guide SPD 2009  
Conservation Area Appraisals and Management Plans 2010  
Open Space Strategy 2009

### **Delivery and Monitoring**

Through Development Policy EQ13  
LSP Environmental Quality Delivery Plan  
Conservation Area Management Plans  
Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

### **Development Policies**

7.58 The following Development Policies support Core Policy 4.

#### **Policy EQ11: Wider Design Considerations**

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

##### **A. Use**

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

##### **B. Movement**

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;

- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

**C. Form**

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

**D. Space**

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

**Explanation**

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABI publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

**Key Evidence**

Sustainable Community Strategy 2008 – 2020  
Southern Staffordshire Surface Water Management Plan Phase 1 2010  
Planning for Landscape Change – Staffordshire County Council SPG 1996-



# **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, Section 38**

### **LISTED BUILDING ENFORCEMENT NOTICE**

**ISSUED BY:** South Staffordshire District Council

1. **THIS NOTICE** is issued by the Council under Section 38 (1) of the above-mentioned Act (“the Act”) because it appears to them that unauthorised works have been carried out to a listed Building referred in paragraph 2 below which is located in its area, contrary to Section 9(1) of the Act.

This building is included within a list of buildings of special architectural or historic interests compiled or approved by the Secretary of State under section 1 of the Act.

The Council consider that it is expedient to issue this notice, having considered the effect of the works on the character of the Building as one of special architectural or historic interest. The Annex at the end of the notice and the enclosures to which it refers, contain important additional information.

2. **THE BUILDING TO WHICH THIS NOTICE RELATES**

The Kings Repose, New Road, Featherstone, South Staffordshire WV10 7NW (“the Building”). Listed Building Listing Entry 1374114 located in the position outlined in red on the attached plan (“the Plan”).

3. **THE CONTRAVENTION OF LISTED BUILDING CONTROL ALLEGED**

The following Works (“the Works”) that affect the character of the Building as one of special architectural or historical interest have been undertaken without the benefit of listed building consent.

i) **The South Elevation**

- a) Installation of 6 (six) white UPVC double glazed windows to the ground floor.
- b) Installation of 5 (five) white UPVC double glazed windows to the first floor.
- c) Installation of 2 (two) satellite dishes.
- d) Installation of 4 (four) plastic downpipes and connected plastic cross pipes.  
(Identified in red in the image at Appendix 1 annexed to this Notice).
- e) Installation of plastic guttering.
- f) Installation of white utilities box.  
(Circled green in the image at Appendix 1).
- g) Installation of 2 (two) security lights with additional security light or sensor.  
(Circled yellow in the image at Appendix 2).
- h) Installation of a CCTV camera.  
(Circled pink in the image at Appendix 2).

- i) Installation of an alarm box.  
(Circled blue in the image at Appendix 3).
- j) Installation of a large extraction ventilation box.  
(Shown in the image at Appendix 4).

**ii) The North Elevation**

- a) Installation of 4 (four) white UPVC double glazed windows to the ground floor.
- b) Installation of 5 (five) white UPVC double glazed windows to the first floor.
- c) Installation of 2 (two) plastic downpipes.  
(Identified in red in the image at Appendix 5).
- d) Installation of plastic guttering.

**iii) The North Elevation East Wing**

- a) Installation of 2 (two) plastic downpipes.  
(Identified in red in the image at Appendix 6).
- b) Installation of plastic guttering.

**iv) The East Elevation**

- a) Installation of brown UPVC door and frame.
- b) Installation of iron security gates.
- c) Installation of 3 (three) air conditioning units.
- d) Installation of 3 (three) plastic downpipes.  
(Identified in red in the images at Appendix 7).
- e) Installation of plastic guttering.
- f) Installation of CCTV Camera.  
(Circled pink in the image at Appendix 8).

**v) The West Elevation**

- a) Installation of 1 (one) white UPVC double glazed window to the ground floor.
- b) Installation of 2 (two) white UPVC double glazed windows to the first floor.
- c) Installation of security light.  
(Circled yellow in the image at Appendix 9).
- d) Installation of 4 (four) white utilities boxes.  
(Circled green in the image at Appendix 9).
- e) Installation of CCTV camera  
(In the image at Appendix 10).

**4. REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this Notice having regard to the effect of the Works on the character of the Building as one of special architectural or historic interest.

The Building is a Grade II listed building listing entry 1374114, converted from former agricultural buildings circa 1700 to its current use as a restaurant and residential accommodation. The restaurant is situated in the east wing of the Building.

The Works including the installation of UPVC double glazed windows, UPVC door and door frame together with external Works consisting of plastic guttering, plastic pipework and additions of security lighting and CCTV has been undertaken without the benefit of Listed Building Consent and is considered to cause unacceptable harm to significance of the Building as a listed building.

The installation of modern white UPVC double glazed windows and UPVC door and door frame and the external Works are modern in design, materials and appearance. They are incongruous to the period of the listed building and disrupt the architectural integrity of the property. Their installation affects the character of the Building as a building of special architectural or historic interest.

The Works that have been undertaken are therefore contrary to paragraphs 135, 203, 206 and 207 of the NPPF 2023.

The Works are contrary to paragraph 207 of the National Planning Policy Framework (2023), which states that harm to the significance of a heritage asset should be weighed against the public benefits of the proposal. The Works lead to substantial harm and no public benefits have been identified that would outweigh this level of harm.

Policy EQ3 of the South Staffordshire Core Strategy adopted 2012 states that:

b) the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

e) The Council will consider the significance and setting of all proposed works to heritage assets, informed by relevant guidance that is supported by English Heritage. In addition, the following principles will be adhered to:

- minimising the loss and disturbance of historic materials
- using appropriate materials, and
- ensuring alterations are reversible

f) The Council will require all works proposed to heritage assets, or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

Policy EQ11 of the South Staffordshire Core Strategy adopted 2012 states that:

f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;

g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;

j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;

k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements.

The works are., therefore, also contrary to Policies EQ3 and EQ11 of the South Staffordshire Core Strategy adopted 2012.

## **5. WHAT YOU ARE REQUIRED TO DO**

The Council gives notice that pursuant to section 38(2)(a) of the LBA 1990, it requires the following steps to be taken for the purpose of restoring the Building to its former state and alleviating the effect of the unauthorised works.

### **i) The South Elevation**

- a) Remove the 6 (six) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- b) Remove the 5 (five) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- c) Remove the 2 (two) satellite dishes.
- d) Replace the 4 (four) plastic downpipes and connected plastic cross pipes, (identified in red in the image at Appendix 1), with black painted aluminium or metal downpipes.
- e) Replace the plastic guttering with black painted aluminium or metal guttering.

- f) Paint the white utilities box, (circled green in the image at Appendix 1), with brown paint to match the existing brickwork.
- g) Remove the 2 (two) security lights and the additional security light/sensor. (Circled yellow in the image at Appendix 2).
- h) Remove the CCTV camera, (circled pink in the image at Appendix 2), and replace with a small black bubble type CCTV of the type shown in the image at Appendix 11.
- i) Remove the alarm box, (circled blue in the image at Appendix 3), and replace with a smaller less obtrusive alarm box of the type shown in the image at Appendix 12.
- j) Paint the large extraction ventilation box black that is shown in the image at Appendix 4.

**ii) The North Elevation**

- a) Remove the 4 (four) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- b) Remove the 5 (five) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- c) Remove the 2 (two) plastic downpipes, (identified in red in the image at Appendix 5), with black painted aluminium or metal downpipes.
- d) Replace the plastic guttering with black painted aluminium or metal guttering.

**iii) The North Elevation East Wing**

- a) Remove the 2 (two) plastic downpipes, (identified in red in the image at Appendix 6) and replace with black painted aluminium or metal downpipes.
- b) Remove the plastic guttering and replace with black painted aluminium or metal guttering.

**iv) The East Elevation**

- a) Remove the brown UPVC door and frame and replace with new solid timber door. To be painted to match the colour of the existing frame.
- b) Remove the top detailing from the iron security gates, (shaded blue in the image at Appendix 7), and paint all existing gold detailing black.
- c) Screen the 3 (three) air conditioning units with timber screen straight edged fencing painted black to disguise it against the existing building. The fencing should not project above the lowest horizontal timber on the elevation.
- d) Replace the 3 (three) plastic downpipes, (Identified in red in the images at Appendix 7), with black painted aluminium or metal downpipes.
- e) Replace the plastic guttering with black painted aluminium or metal guttering.
- k) Replace the CCTV Camera, (circled pink in the image at Appendix 8), with a small black bubble type CCTV of the type shown in the image at Appendix 11.

**v) The West Elevation**

- a) Remove the 1 (one) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- b) Remove the 2 (two) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- c) Remove the security light, (circled yellow in the image at Appendix 9).
- d) Paint the 4 (four) white utilities boxes, (circled green in the image at Appendix 9), with brown paint to match the existing brickwork.
- e) Remove the CCTV camera, (shown in the image at Appendix 10), and replace with a small black bubble type CCTV of the type shown in the image at Appendix 11.

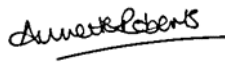
## **6. TIME FOR COMPLIANCE**

- i) In respect of Part 5.i above, within 1 (one) year from the date the notice takes effect.
- ii) In respect of Part 5.ii above, within 2 (two) years from the date the notice takes effect.
- iii) In respect of Parts 5.iii, 5.iv and 5.v above within 3 (three) years from the date the notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 5<sup>th</sup> September 2024 unless an appeal is made against it beforehand.

Dated: 2<sup>nd</sup> August 2024



Signed:

Annette Roberts

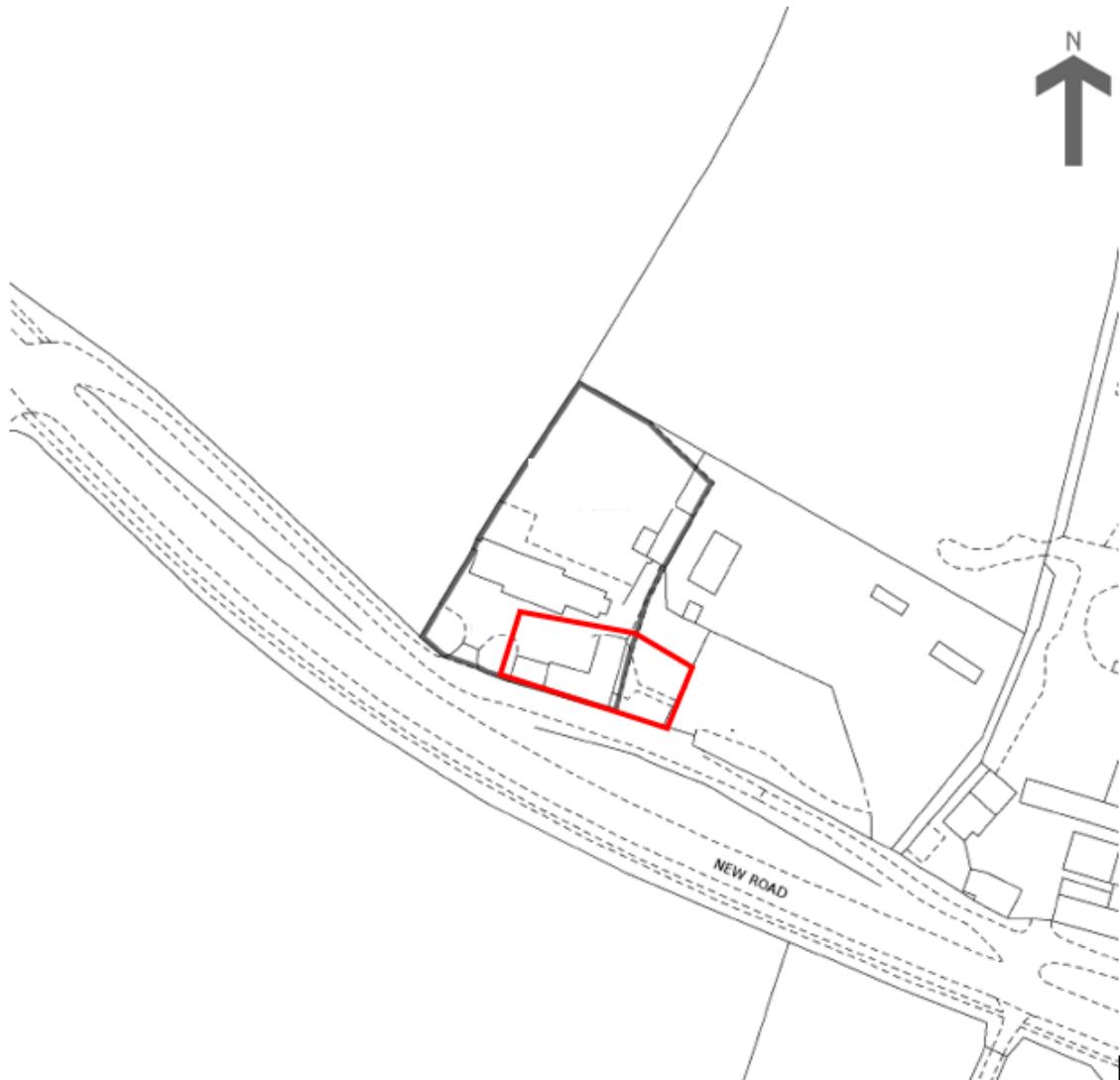
Corporate Director Infrastructure and Business Growth, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Nominated Officer:

Mark Bray, Planning Enforcement Team, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

RED LINE PLAN TO ACCOMPANY LISTED BUILDING ENFORCEMENT NOTICE

THE KINGS REPOSE, NEW ROAD, FEATHERSTONE, SOUTH STAFFORDSHIRE WV10 7NW





APPENDIX 1



APPENDIX 2



APPENDIX 3



APPENDIX 4



APPENDIX 5



APPENDIX 6



APPENDIX 7







APPENDIX 8



APPENDIX 9



APPENDIX 10



APPENDIX 11



APPENDIX 12



## ANNEX

South Staffordshire District Council has issued a Listed Building Enforcement Notice relating to the Building known as The Kings Repose, New Road, Featherstone, South Staffordshire WV10 7NW and you are served with a copy of that notice as you have an interest in the Building. Copies of the Listed Building Enforcement Notice have also been served on the parties listed at the end of the Annex.

### YOUR RIGHT OF APPEAL

You can appeal against this Listed Building Enforcement Notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in **paragraph 7** of the notice, i.e. 5<sup>th</sup> September 2024. You must ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

If you want to appeal against this enforcement notice you can do it:

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending enforcement appeal forms to the Planning Inspectorate

In exceptional circumstances you may give notice of appeal by email or letter. You should include:

- The name of the local planning authority
- The site address
- Your address
- The effective date of the enforcement notice

**This should immediately be followed by your completed appeal forms. The Planning Inspectorate MUST receive this before the effective date mentioned on the Listed Building Enforcement Notice.**

The Planning Inspectorate's address and contact details are as follows:

Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct line: 0303 444 5000  
Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**THE GROUNDS ON WHICH AN APPEAL MAY BE BROUGHT  
(SECTION 39 OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT  
1990)**

An appeal may be brought on any of the following grounds:

**GROUND (A)**

That the building is not of special architectural or historic interest;

**GROUND (B)**

That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

**GROUND (C)**

That those matters (if they occurred) do not constitute such a contravention;

**GROUND (D)**

That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;

**GROUND (E)**

That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

**GROUND (F)**

That copies of the notice were not served as required by section 38(4);

**GROUND (G)**

Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;

**GROUND (H)**

That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;

**GROUND (I)**

That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;

**GROUND (J)**

That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate

the effect of the works executed to the building;

**GROUND (K)**

That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the Listed Building Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal, the Secretary of State will send you a notice requiring you to do so within 14 days.

**This Notice has been served upon:-**

1. Lewis Price



2. Sukhi Uppal  
Kings Repose Restaurant  
New Road,  
Featherstone,  
Wolverhampton  
WV10 7NW



38. Power to issue listed building enforcement notice.

(1) Where it appears to the local planning authority—

(a) that any works have been or are being executed to a listed building in their area; and

(b) that the works are such as to involve a contravention of section 9(1) or (2), they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section (in this Act referred to as a “listed building enforcement notice”).

(2) A listed building enforcement notice shall specify the alleged contravention and require such steps as may be specified in the notice to be taken

(a) for restoring the building to its former state; or

(b) if the authority consider that such restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent; or

(c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.

(3) A listed building enforcement notice—

(a) shall specify the date on which it is to take effect and, subject to sections 39(3) and 65(3A), shall take effect on that date, and

(b) shall specify the period within which any steps are required to be taken and may specify different periods for different steps, and, where different periods apply to different steps, references in this Part to the period for compliance with a listed building enforcement notice, in relation to any step, are to the period within which the step is required to be taken.

(4) A copy of a listed building enforcement notice shall be served, not later than 28 days after the date of its issue and not later than 28 days before the date specified in it as the date on which it is to take effect—

(a) on the owner and on the occupier of the building to which it relates; and

(b) on any other person having an interest in that building which in the opinion of the authority is materially affected by the notice.

(5) The local planning authority may—

(a) withdraw a listed building enforcement notice (without prejudice to their power to issue another); or

(b) waive or relax any requirement of such a notice and, in particular, may extend the period specified in accordance with section 38(3), and the powers conferred by this subsection may be exercised whether or not the notice has taken effect.

( 6 )The local planning authority shall, immediately after exercising the powers conferred by subsection (5), give notice of the exercise to every person who has been served with a copy of the listed building enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(7)Where a listed building enforcement notice imposes any such requirement as is mentioned in subsection (2)(b), listed building consent shall be deemed to be granted for any works of demolition, alteration or extension of the building executed as a result of compliance with the notice.

### 39. Appeal against listed building enforcement notice.

(1)A person having an interest in the building to which a listed building enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice on any of the following grounds—

(a)that the building is not of special architectural or historic interest;

( b )that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

(c)that those matters (if they occurred) do not constitute such a contravention]

(d)that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;

(e)that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

(f)that copies of the notice were not served as required by section 38(4);

(g)except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;

(h)that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;

(i)that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;

(j)that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;

(k)that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

( 2 )An appeal under this section shall be made —

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the listed building enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(3) Where such an appeal is brought the listed building enforcement notice shall [F5subject to any order under section 65(3A)] be of no effect pending the final determination or the withdrawal of the appeal.

(4) A person who gives notice of appeal under this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed, a statement in writing—

(a) specifying the grounds on which he is appealing against the listed building enforcement notice; and

(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in the statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) Where any person has appealed to the Secretary of State under this section against a notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(7) In this section “relevant occupier” means a person who—

(a) on the date on which the listed building enforcement notice is issued occupies the building to which the notice relates by virtue of a licence ; and

(b) continues so to occupy the building when the appeal is brought.

#### 40. Appeals: supplementary provisions.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 39, and in particular, but without prejudice to the generality of this subsection may—

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

(b) specify the matters to be included in such a statement;

(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the building in question is situated;

(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) Subject to section 41(4), the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(2B) Subsection (2) does not apply to an appeal against a listed building enforcement notice issued by a local planning authority in Wales.

(3) Schedule 3 applies to appeals under section 39.

## **List of Persons and Interested Parties**

**Appeal Ref: APP/C3430/F/24/3350323**

**Enforcement Ref: 17/00489/LBLDGH**

**Appeal by: Mr Lewis Price**

**Site at: The Kings Repose, New Road, Featherstone, South Staffordshire, WV10 7NW**

---

### **1 copy to the Occupier(s)**

1 Whitehouse Court New Road Featherstone Wolverhampton WV10 7NW  
Buttermilk Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Courtyard Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Repose Restaurants Limited Kings Repose Restaurant Featherstone Farm New Road Featherstone  
Wolverhampton WV10 7NW  
Meadow Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Top Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Bottom Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Bunkhouse Cottage Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Featherstone Farm Hotel New Road Featherstone Wolverhampton WV10 7NW  
Featherstone Farm New Road Featherstone Wolverhampton WV10 7NW

### **1 copy to the Clerk to Featherstone and Brinsford Parish Council**

Rob Young, 2B Appian Close, Two Gates, Tamworth, Staffordshire, B77 1JA

Email: [blueseas02@outlook.com](mailto:blueseas02@outlook.com)

### **1 copy to the Chairman/Vice-Chairman of the Council**

Councillor, Dan Kinsey

Email: [d.kinsey@sstaffs.gov.uk](mailto:d.kinsey@sstaffs.gov.uk)

Councillor Philip Davis

Email: [p.davis@sstaffs.gov.uk](mailto:p.davis@sstaffs.gov.uk)

### **1 copy to the Chairman/Vice-Chairman of the Planning Committee**

Councillor Robert Cope

Email: [r.cope@sstaffs.gov.uk](mailto:r.cope@sstaffs.gov.uk)

Councillor Robert Duncan

Email: [r.duncan@sstaffs.gov.uk](mailto:r.duncan@sstaffs.gov.uk)

### **1 copy to the following local member(s)**

Councillor John Brindle

Email: [j.brindle@sstaffs.gov.uk](mailto:j.brindle@sstaffs.gov.uk)

Councillor Robert Cope

Email: [r.cope@sstaffs.gov.uk](mailto:r.cope@sstaffs.gov.uk)



The Occupier/Others

Phone: (01902) 696274

Email: [appeals@sstaffs.gov.uk](mailto:appeals@sstaffs.gov.uk)

Date: 27 November 2024

## PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 APPEAL UNDER SECTION 39

<b>Appellant's name:</b>	<b>Mr Lewis Price</b>
<b>Site Address:</b>	<b>The Kings Repose, New Road, Featherstone, South Staffordshire, WV10 7NW</b>
<b>Alleged breach:</b>	<b>Unauthorised UPVC windows installed on Grade II listed building.</b>
<b>Enforcement reference:</b>	<b>17/00489/LBLDGH</b>
<b>Appeal reference:</b>	<b>APP/C3430/F/24/3350323</b>
<b>Appeal start date:</b>	<b>26 November 2024</b>

I refer to the above details. An appeal has been made to the Secretary of State against a listed building enforcement notice issued by South Staffordshire Council on 2 August 2024.

### **The enforcement notice was issued for the following reasons:**

The Council considers it expedient to issue this Notice having regard to the effect of the Works on the character of the Building as one of special architectural or historic interest.

The Building is a Grade II listed building listing entry 1374114, converted from former agricultural buildings circa 1700 to its current use as a restaurant and residential accommodation. The restaurant is situated in the east wing of the Building.

The Works including the installation of UPVC double glazed windows, UPVC door and door frame together with external Works consisting of plastic guttering, plastic pipework and additions of security lighting and CCTV has been undertaken without the benefit of Listed Building Consent and is considered to cause unacceptable harm to significance of the Building as a listed building.

The installation of modern white UPVC double glazed windows and UPVC door and door frame and the external Works are modern in design, materials and appearance. They are incongruous to the period of the listed building and disrupt the architectural integrity of the property. Their installation affects the character of the Building as a building of special architectural or historic interest.

The Works that have been undertaken are therefore contrary to paragraphs 135, 203, 206 and 207 of the NPPF 2023.

The Works are contrary to paragraph 207 of the National Planning Policy Framework (2023), which states that harm to the significance of a heritage asset should be weighed against the public benefits of

the proposal. The Works lead to substantial harm and no public benefits have been identified that would outweigh this level of harm.

Policy EQ3 of the South Staffordshire Core Strategy adopted 2012 states that:

b) the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

e) The Council will consider the significance and setting of all proposed works to heritage assets, informed by relevant guidance that is supported by English Heritage. In addition, the following principles will be adhered to:

- minimising the loss and disturbance of historic materials
- using appropriate materials, and
- ensuring alterations are reversible

f) The Council will require all works proposed to heritage assets, or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

Policy EQ11 of the South Staffordshire Core Strategy adopted 2012 states that:

f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;

g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;

j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;

k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements.

The works are., therefore, also contrary to Policies EQ3 and EQ11 of the South Staffordshire Core Strategy adopted 2012.

**The enforcement notice requires the following steps to be taken:**

The Council gives notice that pursuant to section 38(2)(a) of the LBA 1990, it requires the following steps to be taken for the purpose of restoring the Building to its former state and alleviating the effect of the unauthorised works.

**i) The South Elevation**

a) Remove the 6 (six) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the

existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.

b) Remove the 5 (five) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.

c) Remove the 2 (two) satellite dishes.

d) Replace the 4 (four) plastic downpipes and connected plastic cross pipes, (identified in red in the image at Appendix 1), with black painted aluminium or metal downpipes.

e) Replace the plastic guttering with black painted aluminium or metal guttering.

f) Paint the white utilities box, (circled green in the image at Appendix 1), with brown paint to match the existing brickwork.

g) Remove the 2 (two) security lights and the additional security light/sensor. (Circled yellow in the image at Appendix 2).

h) Remove the CCTV camera, (circled pink in the image at Appendix 2), and replace with a small black bubble type CCTV of the type shown in the image at Appendix 11.

i) Remove the alarm box, (circled blue in the image at Appendix 3), and replace with a smaller less obtrusive alarm box of the type shown in the image at Appendix 12.

j) Paint the large extraction ventilation box black that is shown in the image at Appendix 4.

## **ii) The North Elevation**

a) Remove the 4 (four) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.

b) Remove the 5 (five) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.

c) Remove the 2 (two) plastic downpipes, (identified in red in the image at Appendix 5), with black painted aluminium or metal downpipes.

d) Replace the plastic guttering with black painted aluminium or metal guttering.

## **iii) The North Elevation East Wing**

a) Remove the 2 (two) plastic downpipes, (identified in red in the image at Appendix 6) and replace with black painted aluminium or metal downpipes.

b) Remove the plastic guttering and replace with black painted aluminium or metal guttering.

## **iv) The East Elevation**



- a) Remove the brown UPVC door and frame and replace with new solid timber door. To be painted to match the colour of the existing frame.
- b) Remove the top detailing from the iron security gates, (shaded blue in the image at Appendix 7), and paint all existing gold detailing black.
- c) Screen the 3 (three) air conditioning units with timber screen straight edged fencing painted black to disguise it against the existing building. The fencing should not project above the lowest horizontal timber on the elevation.
- d) Replace the 3 (three) plastic downpipes, (Identified in red in the images at Appendix 7), with black painted aluminium or metal downpipes.
- e) Replace the plastic guttering with black painted aluminium or metal guttering.
- k) Replace the CCTV Camera, (circled pink in the image at Appendix 8), with a small black bubble type CCTV of the type shown in the image at Appendix 11.

#### **v) The West Elevation**

- a) Remove the 1 (one) white UPVC double glazed windows to the ground floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- b) Remove the 2 (two) white UPVC double glazed windows to the first floor and replace with flush timber casement windows (to be finished in white) with integral glazing bars as per the layout of the existing windows. The new windows are to be fitted within the existing openings. Double glazed units should have a maximum thickness of 12mm in order to keep the glazing bar thickness to a minimum. Warm edge spacer bars (to keep the panes apart) finished in white should be used in order to minimise the visual impact.
- c) Remove the security light, (circled yellow in the image at Appendix 9).
- d) Paint the 4 (four) white utilities boxes, (circled green in the image at Appendix 9), with brown paint to match the existing brickwork.
- e) Remove the CCTV camera, (shown in the image at Appendix 10), and replace with a small black bubble type CCTV of the type shown in the image at Appendix 11.

#### **The appellant has appealed against the notice on the following grounds:**

**Ground (a)** - that the building is not of a special or architectural or historic interest.

**Ground (e)** - that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at [Planning Inspectorate](#) (**Please note that the Planning Inspectorate will not accept emailed comments.**) If you do not have access to the internet, you can send your comments to:

Adewale Ajibade  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**All representations must be received by 7 January 2025.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) can be viewed online at [Enforcement Appeal Cases \(sstuffs.gov.uk\)](https://www.sstuffs.gov.uk/enforcement-appeal-cases) by clicking on the relevant Enforcement appeal case.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: [Taking part in a planning, listed building or enforcement appeal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taking-part-in-a-planning-listed-building-or-enforcement-appeal) or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

Helen Benbow  
Development Management Manager  
Council Offices  
Codsall  
Wolverhampton  
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)

# Converted agricultural buildings immediately south-east of Featherstone Farmhouse

Listed on the National Heritage List for England.

[Search over 400,000 listed places \(https://historicengland.org.uk/listing/the-list/\)](https://historicengland.org.uk/listing/the-list/)

## Official list entry

Heritage Category:**Listed Building**

Grade:**II**

List Entry Number:**1374114**

Date first listed:**28-May-1987**

List Entry Name:**Converted agricultural buildings immediately south-east of Featherstone Farmhouse**

Statutory Address 1:

**Converted agricultural buildings immediately south-east of Featherstone Farmhouse, New Road,  
Featherstone, WV10 7NW**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries \(https://historicengland.org.uk/listing/the-list/understanding-list-entries/\)](https://historicengland.org.uk/listing/the-list/understanding-list-entries/)

[Corrections and minor amendments \(https://historicengland.org.uk/listing/the-list/minor-amendments/\)](https://historicengland.org.uk/listing/the-list/minor-amendments/)

## Location

Statutory Address:

**Converted agricultural buildings immediately south-east of Featherstone Farmhouse, New Road,  
Featherstone, WV10 7NW**

The building or site itself may lie within the boundary of more than one authority.

County:**Staffordshire**

District:**South Staffordshire (District Authority)**

Parish:**Featherstone**

National Grid Reference:**SJ 93505 05720**

## Details

This list entry was subject to a Minor Amendment on 30/01/2020

SJ 90 NW 3/6

**FEATHERSTONE C.P. NEW ROAD (north side) Converted agricultural buildings immediately south-east of  
Featherstone Farmhouse**

(Formerly listed as Agricultural buildings immediately south-east of Featherstone Farmhouse)

II

Agricultural buildings, later converted (2020). Circa 1700 with later alterations. Rectangular panel timber framing

with long straight tension braces and brick infill on a high brick plinth; some brick, rebuilding; plain tile roofs. L-shaped plan; the two two-bay ranges face north and west towards Featherstone farmhouse. One storey. The framing of the west range is virtually intact and has exposed queen strut roof trusses with short angled struts extending from tie beam to principals. The south wall of the south range has been rebuilt in C18 brick with a dentilled eaves band and several tiers of air vents. Featherstone farmhouse is not included in this list.

Listing NGR: SJ9350505720

## Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**271774**

Legacy System:**LBS**

## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



## Map

This map is for quick reference purposes only and may not be to scale.  
This copy shows the entry on 27-Nov-2024 at 13:14:29.

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**End of official list entry**