



South Staffordshire Council

**STATEMENT OF CASE
OF
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

**SECTION 39 APPEAL
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990**

PLANNING INSPECTORATE REFERENCE

APP/C3430/F/24/3350323

APPEAL BY: MR LEWIS PRICE

**APPEAL SITE: THE KINGS REPOSE, NEW ROAD, FEATHERSTONE,
SOUTH STAFFORDSHIRE WV10 7NW**

LOCAL AUTHORITY REFERENCE: 17/00489/LBLDG

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1. INTRODUCTION

1.1 This appeal is brought against the decision by South Staffordshire District Council to serve a Listed Building Enforcement Notice, (“the Notice”) in respect of a building, (“the Building”) known as The Kings Repose, New Road, Featherstone, South Staffordshire WV10 7NW.

1.2 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).

1.3 A copy of the Notice served 2nd August 2024 has previously been sent to the Planning Inspectorate and is produced at Appendix 1.

1.4 Land Registry Title Register and Title Plan reference SF659977 and SF305969 showing the Appellants ownership of the Land is produced at Appendices 2 and 3.

2. REASONS FOR ISSUING THE NOTICE

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

2.2 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 west wing consists of residential accommodation.

2.3 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.

- 2.4 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.
- 2.5 The Works that have been undertaken are therefore contrary to paragraphs 135, 210, 213 and 214 of the NPPF 2024.
- 2.6 The Works are contrary to paragraph 214 of the National Planning Policy Framework (2024), 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.
- 2.7 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.
- 2.8 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.

2.9 National Planning Policy Framework

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

2.10 Adopted Core Strategy

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment

EQ3 – Conservation, Preservation and Protection of Heritage Assets

Core Policy 4 – Promoting High Quality Design

EQ11 – Wider Design Considerations

3. PLANNING HISTORY

- 0993/85 – Conversion of outbuildings to lettable tourist accommodation
- 1360/88 – Change of use from outbuilding to lettable tourist accommodation
- 89/1154 – Planning Permission for a restaurant In association With lettable Tourist Accommodation And Non Residents
- 90/00026/LBC – Listed building consent for a restaurant In association With lettable Tourist Accommodation And Non Residents
- 97/00597/FUL – Planning permission for a garage
- 00/00320/VAR – Variation of condition of planning permission 1360/88 - to allow use as lettable accommodation
- 02/01032/ADV – Advertisements
- 21/00560/FUL – Change of use of former Hotel to three no. dwellings with minor extensions

4. SUMMARY OF EVENTS

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

- 4.2 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.
- 4.3 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.
- 4.4 Site inspections took place by Council officers on 14th February 2023 and 23rd 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.
- 4.5 The Notice was subsequently issued.

5. **GROUND OF APPEAL**

Ground (a) - That the building is not of special 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.

6. **LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND A**

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

- 6.1 The Appellant states that the building is a Grade II listed (1374114) building circa 1700. The LPA can confirm this is correct and that the building appears in the Listed Buildings Register, (“the Register”), under the listed entry cited by the Appellant as official list entry 1374114. A copy of the entry is produced at Appendix 4.
- 6.2 The Appellant recognises that building is nationally listed (Grade II) and therefore, by definition, is of special architectural and historic value. Historic England state:
- “A building is listed when it is of special architectural or historic interest considered to be of national importance and therefore worth protecting.”*
- 6.3 The Appellant makes no argument to refute the buildings listing or its value as a building of special architectural and historic value. The appeal under this

ground is therefore without merit and will be subject of a separate application for costs. Accordingly, the Inspector is respectfully invited to dismiss the appeal under Ground A.

7. LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND E

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.

- 7.1 The issue of expediency raised by the Appellant is not a matter for the Inspector to consider in this appeal. However, in raising this issue together with the dates upon which the Appellant states the works were completed in 1995, the LPA will produce evidence to show that the Appellant is plainly incorrect as regards the provenance of the windows subject of the Notice.
- 7.2 In the first instance, a photograph taken from Images of England shows the north side of the Building as of 8th September 2000 produced at Appendix 5. A comparison photograph taken by a Council officer's visit on 23rd May 2023 (Appendix 6), shows that the windows detailed on the Notice for replacement are different windows.
- 7.3 The Appellant states that the UPVC windows were inadvertently used within the works of the conversions with the original planning consent 826/90/LBC and 1154/89 with no mention of window specification within the conditions. Whilst this is correct, it is clear that such conditions were not necessary because the original wood windows previously installed were to remain in situ.
- 7.4 Planning application 00/00320/VAR was an application for a variation of condition of planning permission 1360/88 to allow use as lettable accommodation. The plans submitted with that application, which was granted permission on 7th February 2021, were the same plans as those submitted for the 1988 application (1360/88). These plans showed that the windows were to be retained as timber frames with original window frames re-used. The decision notice for application 00/00320/VAR is produced at Appendix 7 and the plans showing the retention of original timber frames are produced at Appendix 8.
- 7.5 Furthermore, the Appellant himself informed a Council officer in conversations in 2023 that the UPVC windows had been installed approximately 20 years ago. As such, the LPA contends that the UPVC windows were installed sometime after 8th September 2000 (as per Appendix 5), and not inadvertently with the original planning consents of 826/90/LBC and 1154/89.
- 7.6 The Appellant states that replacing the windows to timber and painting them white would not restore the character of the Building and that in any event timber windows would become rotten and require replacement. That cannot be a valid argument to grant listed building consent.
- 7.7 Furthermore, the Appellant is misdirected by stating that the installation of the UPVC windows does not constitute a contravention of the original planning

consent. Not only through the evidence of the historic image taken 8th September 2000 (Appendix 5), does it show that the windows were not installed some thirty years ago, so too does permission reference 00/00320/VAR and the plans that were submitted with that application (Appendices 6 & 7). The Notice does not allege that a breach of planning consents of 826/90/LBC and 1154/89 has taken place, it alleges that the Works were carried out without the appropriate consents being granted by the LPA.

- 7.8 The only argument that the LPA can adduce from the Appellants appeal under Ground E, is that detailed at paragraph 7.6 above because, the Appellant states, replacing them would not enhance the character because both timber and UPVC are intrinsic to one another. No expert opinion has been sought or given by the Appellant in support of this claim.
- 7.9 Conversely, the Council's Conservation Officer states, (as outlined in the Notice), that the UPVC windows required to be removed by the Notice 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 and contrary to the relevant provisions of the NPPF and Policies EQ3 and EQ11 of the South Staffordshire Core Strategy adopted 2012, (again as outlined in the Notice).
- 7.10 Regrettably, it appears that the appeal under Ground E is also lacking in merit. As such and for the reasons advanced in this appeal statement, the position of the LPA is that listed building consent should be refused and the Notice upheld in full. The Inspector is therefore respectfully invited to dismiss the appeal under Ground E.

8. CONCLUSION

- 8.1 The Appellant has not sought to produce any evidence to support this appeal under Ground A. The appeal under Ground E lacks any expert heritage assessment or any mention of the policy considerations outlined in the Notice. Both grounds of the appeal are, without question, devoid of any level of merit. As such, the Notice should be upheld in full. The LPA will be submitting a full claim for costs alongside its statement of case.