



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 08/01/13

Site visit made on 08/01/13

gan A D Poulter BA BArch RIBA

by A D Poulter BA BArch RIBA

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 07/02/13

Date: 07/02/13

Appeal Ref: APP/H6955/E/12/2184822

Site address: 24 Wynnstay Court, Wynnstay Hall Estate, Ruabon, Wrexham, LL14 6LA.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Heather Evans against the decision of Wrexham County Borough Council.
- The application Ref RUA P/2012/0190, dated 12 March 2012, was refused by notice dated 26 April 2012.
- The works proposed are described as: *Replacement/renewal of existing external doors to a new build property listed by virtue of its association with other outbuildings of Wynnstay Hall. Replacement with a different material to improve the quality, appearance, security and insulation of the doors. Applies to front, rear and side doors.*

Main Issue

1. This is whether listed building consent is required for the proposed works.

Decision

2. I determine that listed building consent is not required for the works, and take no further action in relation to this appeal.

Reasons

3. The appellant has contended that the appeal property was newly built in 2000/2001 as part of the development of outbuildings at Wynnstay Court. The Inspectorate subsequently wrote to the Council requesting comments relating to the possibility that listed building consent may not be required for the proposed works¹.
4. The Council responded² to the effect that the building is considered to be curtilage listed, as 24 Wynnstay Court, along with Numbers 22, 23 and 25 formerly comprised a saw mill. Listed building consent was sought for conversion as the saw mill formed part of the wider curtilage and was present before 1st July 1948. Planning permission and listed building consent were subsequently granted for Numbers 22-25 as part of a

¹ Letter dated 15 November 2012

² Letter dated 16 November 2012

wider development³. However, the Officers' delegated report sheet describes the appeal property as one of four new build units to the north of the Hall, forming part of a complex that was converted/partly rebuilt in the late 1990s / early 2000s. It says that numbers 22–25 occupy the site and footprint of a former sawmill, with a foundry chimney retained in the centre of the small complex.

5. I saw that that numbers 22-25 are traditional in appearance, and are thus in tune with their historic neighbours. Nevertheless, having inspected the appeal building internally and externally, it is clear from the materials used, the details and method of construction, and the condition of the buildings that they are entirely new structures. They are not attached to the original foundry chimney. On the evidence before me I conclude that, whilst the appeal building may occupy part of the footprint of an earlier building, and other parts of the development approved in 1997 and 1998 may have involved the conversion of historic buildings, as a matter of fact and degree the appeal building is a new structure built around 2000 / 2001.
6. There is no dispute that the appeal building is within the curtilage of Wynnstay Hall, which is listed. In accordance with Sections 1(5)(a) and (b) of the Act, objects and structures fixed to a listed building, and any object or structure within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. However, the appeal building is not fixed to a listed building, and it did not form part of the land before 1st July 1948. I conclude that it is not a structure that should be treated as part of the listed building. I further conclude that listed building consent is not required for the proposed works.
7. I acknowledge that the appeal building is located in a highly sensitive and historically significant site where great care has been taken to ensure that alterations and new developments respect the historical integrity, character and appearance of the estate. Traditional materials which reinforce the historic value of the estate have generally been used in the appeal building and its neighbours. As stated by Cadw's Inspector of Historic Buildings⁴, it is understandable that the planning authority, when originally granting consent, sought to control the materials used in construction. The measures employed included the use of a planning condition relating to the withdrawal of permitted development rights⁵. Planning permission may therefore be necessary for the proposed replacement doors, or as an alternative, an application may be made under Section 192 of the Town and Country Planning Act 1990 for a certificate to the effect that the proposed building operations would be lawful. However, it is not for me to determine whether the proposed works could be lawfully carried out without the need for express planning permission, as separate procedures exist for that purpose. Nor would it be appropriate for me to determine the planning merits of the proposed works, as to do so could prejudice the outcome of an application for planning permission.

³ Planning permission Ref RUA CB00991, listed building consent ref RUA00992, dated 6 October 1997 and 3 June 1198 respectively.

⁴ Cadw response to consultation dated 3 December 2012.

⁵ Condition 12, attached to planning permission Ref RUA CB00991, dated 6 October 1997.

8. For the above reasons, and as I have concluded that listed building consent is not needed for the proposed works, it would not be appropriate for me to take any further action with regard to this appeal.

A D Poulter

INSPECTOR