
Appeal Decision

Site visit made on 9 August 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 10 August 2016

Appeal Ref: APP/M3455/W/16/3147117

Price & Kensington Teapot Works, Newcastle Street, Burslem, Stoke-on-Trent, Staffordshire, ST6 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Deluxe Car Wash & Valeting against the decision of Stoke-on-Trent Council.
 - The application Ref: 58559/FUL dated 2 July 2105, was refused by notice dated 3 November 2015.
 - The development proposed is a 7.0m x 7.0m steel-framed canopy (retrospective).
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Appeal Ref: APP/M3455/Y/16/3147115

Price & Kensington Teapot Works, Newcastle Street, Burslem, Stoke-on-Trent, Staffordshire, ST6 3RP

- The appeal is made under section 20 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent,
 - The appeal is made by Deluxe Car Wash & Valeting against the decision of Stoke-on-Trent Council.
 - The application Ref: 58560/LBC dated 2 July 2015, was refused by notice dated 3 November 2015
 - The works proposed are a 7.0m x 7.0m steel-framed canopy (retrospective).
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Decision

1. Both appeals are dismissed.

Main Issue

2. I consider the main issue in these appeals is the effect of the proposed development and works on the special architectural and historic interest of the Grade II* listed building.

Reasons

3. The appeals relate to part of the former Price & Kensington Teapot Works, a large industrial complex dating from the early 19th century with numerous later additions and alterations reflecting changing uses and sub-division over time. The main range is located on the Newcastle Street frontage with a series of buildings arranged around courts to the rear. A series of workshops and warehouses line the canal frontage, with a large bottle kiln in a courtyard to the east. Part of the complex was given listed building status in 1973 and this was extended to cover the remaining buildings in 1979 (all Grade II*).

4. Permission is sought to retain a 7.0m x 7.0m steel canopy which is already in place, attached to the north-east corner of the building in an area currently being used as a car wash.
5. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
6. Paragraph 132 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost through alteration or destruction of the heritage asset, or by development within its setting. As these heritage assets are irreplaceable, any harm should require clear and convincing justification
7. The Council has referred to the *Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2006-2026)* (CSP). Amongst other matters, Policy CSP1 requires new development to be well-designed, and to respect the character, identity and context of the built heritage and historic environment. Policy CSP2 says the Council will seek to preserve and enhance the character and appearance of the city's historic heritage. More detailed guidance is given in Section 9 of the *Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance* (UDG).
8. A large part of the building's special architectural and historic interest derives from its origins as an early pottery works which has grown and evolved over time, and much of it is currently vacant, it still remains relatively intact. In particular the front range of buildings, tall chimney and iconic bottle oven signal the gateway to Millport.
9. The canopy is a utilitarian structure which in terms of its unsympathetic design and materials detracts from the significance of the buildings. Despite being attached to a more recent extension and being set back from the road, it is prominent feature on the front elevation and is readily visible from the main road and nearby roundabout. As such, I consider it would diminish the ability to appreciate the special interest of the heritage asset, contrary to the advice in paragraph 9.3 of the UDG. The Framework makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within its setting. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this Grade II* listed building and to the setting of the group of buildings as a whole.
10. However, I am satisfied in this case that the degree of harm caused would be less than substantial, and in such situations paragraph 144 of the Framework says this harm should be weighed against any public benefits arising. However, no justification or analysis has been submitted in support of the proposal, other than an indication that the car wash use is temporary and that the canopy could easily be removed on cessation of the use. Whilst the canopy clearly provides shelter for employees during inclement weather, it has not been shown that the continued operation of the car wash is in any way dependant on its retention. As a consequence, what public benefits there might be are not sufficient to outweigh the harm they would cause.

11. In summary, I conclude that the proposal would cause less than substantial harm to the significance of this Grade II* listed building and to the setting of the group of buildings. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with National policy in the Framework, CSP Policies 1 and 2, and advice in the UDG.
12. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Nigel Harrison

INSPECTOR