

Application No: 17/3198C  
Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR  
Proposal: Listed building consent to demolish a grade 2 listed barn and other derelict buildings within the farm site  
Applicant: Cheshire East Council  
Expiry Date: 18-Aug-2017

## **SUMMARY**

The total loss of this designated heritage asset is very regrettable. However, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined within this report.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions

## **PROPOSAL**

The application seeks Listed Building Consent for the demolition of the grade II listed barn and remains of outbuildings.

## **SITE DESCRIPTION**

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

14/5721C - 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East – Approved 05.05.2015

14/5726C - Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff – Approved 05.05.2015

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development

126 – 141 Conserving and enhancing the historic environment

### **Development Plan**

Cheshire East Local Plan Strategy (CELPS)

SE7 The Historic Environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### Congleton Borough Local Plan First Review 2005

The Congleton Borough Local Plan First Review 2005 allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:

BH2 (Demolition of listed building)

## **CONSULTATIONS:**

Historic England – No objections

The Society for the Protection on Ancient Buildings – No comments received

Council for British Archaeology – No comments received

The Ancient Monuments Society – No comments received

The Georgian Group – No comments received

The Victorian Society – No comments received

Twentieth Century Society – No comments received at the time of writing

Middlewich Town Council – No comments received

## **REPRESENTATIONS**

A press advert was placed in the local newspaper and a site notice was erected.

No letters of representation have been received

## **APPRAISAL**

### **Heritage considerations**

#### Policy

Policy BH2 of the Congleton Local Plan explains that consent will only be granted for the demolition of Listed Buildings in exceptional circumstances, and where the building is structurally unsound; its repair is not an economically feasible alternative; alternative uses and disposal of the building have been investigated, and; detailed plans for redevelopment have been approved.

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by:

- i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.
- ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.
- iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part of a heritage asset is accepted.

Paragraph 133 of the Framework states that, where a proposed development will lead to substantial harm to or total loss of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.

Each of these local plan policies is sets out a clear presumption against substantial harm of loss of designated heritage assets except in exceptional circumstances or cases of clear public benefit.

#### Listing and description

The barn to be demolished is Grade II listed. The list description for the barn is as follows:

*“Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall.”*

The barn historically formed part of a farm, centred on Cledford Hall and represented Cheshire’s strong dairy farming heritage, with their built form sharing common forms with other contemporary farmsteads in the area. The barn remains a grade II listed building, but is now in a state of disrepair, and has lost some significance through its severance from Cledford Hall, which was de-listed in July 2014 following catastrophic fire damage.

Historic England has noted that Cledford Hall Barn is distinctive as a particularly long example of its type, which is the result of numerous additions and extensions. Cledford Hall, and its barn, were a high quality example of an early 19th century farm complex, with the hall having “handsome internal features”.

#### Condition of Barn

Consultants working on behalf of Cheshire East have been monitoring the movement of the building for a period of time, and can conclusively demonstrate the continuous lateral movement of the external walls. This movement could be the result of a number of factors, the length and construction technique of the walls, decay in the lateral support, namely roof members, and ground conditions as the barn is positioned in an area of brine extraction, known to cause subsidence locally.

Whilst an internal temporary scaffold is supporting the upper floor, it does not provide structural support to the external envelope of the building. The very poor condition of the barn prohibits safe working within and around the structure, and this greatly restricts the ability to repair the building. A structural scaffold was proposed in an attempt to support the building in the short term. However due to the condition of the building, which is in serious danger of partial or complete collapse (indeed part a section of the front elevation has already collapsed), it was concluded that it was too dangerous to enter the building to erect the scaffold.

At the pre-application stage Historic England raised the possibility “that cranes and working baskets could be utilised to first remove the roof covering and carcass, prior to installation of the scaffold”. This option of repair has been considered, and discounted as a possibility as it would not facilitate the repair of the walls at foundation level; as a result the applicants consider that there is no practical way of repairing the barn. Its condition results in the building being a considerable health and safety risk, which can only be addressed through the demolition of the structure.

The continued structural monitoring of the building has been valuable in demonstrating the extent of movement the barn is subject to, and that it is on-going. Historic England accepts the findings of the submitted structural reports, and agrees that no solution exists for the positive repair of the building.

The applicant has stated that the major concern now is the clear evidence that people are still gaining unauthorised access into the building. Fences have been breached and boards have been removed from windows. This may have been done by rough sleepers or by children but anyone in or near the building are putting themselves at serious risk.

It should be noted that the building was in poor condition at the time the Council purchased the building in May 2015. The temporary scaffold was erected soon after the purchase, which allowed access to the building and more detailed survey work to be undertaken. It was this more detailed survey work that found some very serious defects in the building and initial concerns about the long-term stability of the structure.

#### Heritage conclusion

Whilst it is extremely regrettable that this situation has arisen, the building is now in danger of collapse. Given the unauthorised access to the site that is taking place despite the landowners best efforts to secure the site, this is now a significant health and safety issue. It is considered that there are no options available for the repair of the building and having regard to this and the health risks arising from the condition of the building it is considered that the removal of this risk is a substantial public benefit that outweighs the loss of the building. Whilst it is acknowledged that no redevelopment of the site is currently proposed as required by policy BH2 of the Congleton Borough Local Plan, the benefits to public safety are considered to outweigh this policy requirement. It should also be noted that there is no similar requirement in policy SE7 of the CELPS or the National Planning Policy Framework. In all other regards the proposal complies with policy BH2 of the Congleton Borough Local Plan, and policy SE7 of the CELPS.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

#### **Decision making**

Given that the Council are the applicant and the proposal is for the demolition of a Listed Building, it is necessary to consider whether the application should be referred to the Secretary of State for a decision.

The National Planning Practice Guidance (NPPG) sets out the circumstances when an application made by a Local Planning Authority should be referred to the Secretary of State. The NPPG states that the following applications should be referred:

*Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application.*

Historic England and the national amenity societies have been consulted on the application, and no objections have been received. Unfortunately, the consultation to the Twentieth

Century Society was delayed, and their statutory consultation period now expires on 6 October 2017. Therefore a decision on the application cannot be made until this date passes or a response is received from them confirming that they have no objections. If no objection is received then there will be no requirement to refer the application to the Secretary of State.

## **RECOMMENDATION**

For the reasons set out above, the application is recommended for approval, subject to the expiry of the statutory consultation period for the Twentieth Century Society.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.*

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. Standard Time Limit
2. Development in accord with approved plans
3. Scheme of building recording to be submitted

