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Your reference 90/13

Our reference T/APP/V2445/A/90/135007/P8
T/APP/V2445/E/90/806083/P8

Date - 3 DEC 1990

DAVID J. LOVEDAY B. Sc., M.R.T.P.I.
INDEPENDENCE HOUSE,
15, BURLEY ROAD,
OAKHAM,
LE15 6DH.

Sir

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 SCHEDULE 6 and
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20 and SCHEDULE 3
APPEAL BY BROOKE PRIORY SCHOOL
APPLICATION NOs. F/90/0072/9 and L/90/0073/9/PJD

1. As you know I have been appointed by the Secretary of State for the Environment to determine your client's appeals. These appeals are against the decisions of the Rutland District Council:-

a) To refuse planning permission for additional temporary classrooms and extension to car park; and

b) To refuse listed building consent for additional temporary classrooms with new opening through wall to existing block;

at Brooke Priory School, Oakham Road, Brooke. I have considered all the written representions made by you and by the Council and also those made directly by other interested persons to the Council, copies of which have been forwarded to me.

2. Temporary planning permission for the erection of a temporary classroom building in the walled garden of Brooke Priory was granted in April, 1989, for a period of three years. Following refusal of the applications, the subject of these appeals, additional temporary classrooms, a one bay extension of the original temporary building and extension to the car park, were granted temporary permission, also to expire in April, 1992. I have read that it is your client's intention, after a short period of consolidation, to establish permanent accommodation for the school in the existing outbuildings of Brooke Priory.

3. In the light of my inspection of the site and surroundings on Monday, 12 November, 1990 and from the representations received, I have concluded that the main issues in these appeals are:-

a) The effect of the proposal on the character and appearance of the area; and

b) Whether the proposed development would damage to an unacceptable degree the listed garden wall and the setting of the listed buildings in the vicinity.

I have borne in mind the relevant policies applying to development in rural areas and all the other policies which have been referred to in the representations.

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4. The buildings of Brooke Priory are an isolated group, well separated from any village or large settlement in undulating country. The Priory, outbuildings and walls are Grade II listed buildings and the Dovecote/Arch is an Ancient Monument. I have had regard to the advice contained in Government Circular 8/87, regarding the importance of listed buildings and their settings.

5. I have noted that it is intended that the ground level of the appeal site would be regraded and lowered so that the temporary classroom would not obtrude into the skyline. Nevertheless, it seems clear to me that the classroom block's flat roof, lightweight external appearance would be incompatible and at odds with the heavy pernament character of Brooke Priory. Although the box-shaped structure would be hidden from public viewpoints from the south and west, it would only be partially screened from the north and east. In my opinion, when approaching the Priory from Oakham, the proposed temporary classroom would be conspicuous and seen as an incongruous, jarring feature in the pleasant rural landscape.

6. However, notwithstanding these conclusions, I have considered whether this objection could be sufficiently met by your client complying with proper conditions of planning permission. Bearing in mind Government policies aimed at encouraging small businesses, the Council's acceptance of the temporary standing of similar classroom blocks in the walled garden, the enlarged car parking area recently completed and your client's stated intentions regarding the future of the school, a temporary permission for the classroom block, subject to conditions, would be appropriate in these particular circumstances. In this respect, the appearance of the temporary building would be immeasurably improved with an external decoration more sympathetic to the character of the permanent structure.

7. With regard to the listed building aspect, I acknowledge the convenience of the enclosed link for children of preparatory school age. As the link involves only partial demolition of the wall over the existing opening, in order to increase the height of the opening, I accept that the wall can be reinstated when the temporary planning permission expires. No permanent damage need be caused, either to the historic structure or to its special architectural and historic interest.

8. There appears, therefore, to be no congent reasons for withholding permission for the proposal. I have taken account of all the other matters raised in the representations, including the possibility that your client may require more time for the school to become established. To my mind the imposition of the initial time limit was a sensible and reasonable exercise of the council's discretion. That period, in my opinion, should be allowed to run its full course, before deciding whether an extension of time should be permitted. I understand that the classroom building, the subject of Planning Permission ref. no. F/90/0339/9 dated 17 July 1990, will form part of the appeal building and so the proposal would not greatly intensify the present use of the site. My conclusion is that no planning or listed building interest of acknowledged importance need be harmed by the carrying out of this temporary development. I shall attach conditions requiring the external colour of the appeal buildings and details of the opening in the wall to be enlarged, to be agreed by the Local Planning Authority. These conditions are intended to safeguard the character and appearance of the Listed Buildings and the area in general.

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9. For the above reasons and in exercise of the powers transferred to me, I hereby allow these appeals and grant planning permission and listed building consent for additional temporary classrooms, with new opening through wall to existing block and extension to car park, in accordance with the terms of the application Nos. F/90/0072/9 and L/90/0073/9/PJD dated 29th January 1990 and the plans submitted therewith subject to the following conditions:-

1. These Permissions shall expire on 30th April 1992 and unless on or before that date application is made for an extension of the period of permission and such application is approved:-

   a. the use hereby permitted shall be discontinued; and

   b. the structure shall be removed from the land which is the subject of this permission; and

   c. there shall be carried out any work necessary for the reinstatement of the said land to its condition before the start of the development hereby permitted and the land shall be left free from rubbish and litter.

2. Before the development hereby permitted commences, the colour of the external finish of the building shall be submitted to and approved in writing by the Local Planning Authority.

3. Details as existing, of the opening in the listed wall to be enlarged shall be submitted to and agreed by the Local Planning Authority before the work hereby permitted commences. Works in alteration of the opening shall be carefully executed and surplus stonework shall be set aside and stored on site for re-use. When the temporary permissions hereby granted expire, the opening in the wall shall be reinstated to its former size in accordance with the details agreed by the Local Planning Authority.

10. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State, if consent agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. The developer's attention is drawn to the enclosed note, relating to the requirements of the Building (Disabled People) Regulations 1987.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990 Sections (7 and 8) (Section 74) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

I am Sir
Your Obedient Servant

J. B. JONES RIBA
INSPECTOR

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