



# Appeal Decision

Site visit made on 19 July 2010

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

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Decision date:  
19 August 2010

**Appeal Ref: APP/W9500/E/09/2116375**

**Long Leas Farm, Hawsker Lane, Hawsker, Whitby YO22 4LA**

- 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 Mr B and Mrs J McNeil against the decision of North York Moors National Park Authority.
- The application Ref NYM/2007/0956/LB, dated 12 November 2007, was refused by notice dated 13 May 2009.
- The works proposed are the enclosure of internal stair.

## Decision

1. The appeal is dismissed.

## Reasons

2. The farmhouse at Long Leas Farm is a Grade II listed building. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving the listed building or any special features of architectural and historic interest that it possesses.
3. The farmhouse has a long planning history that started in 1996 when the Appellants purchased the property that was, at that time, in a dilapidated state. They embarked on renovation works without first obtaining listed building consent that was required for some of the works. The unauthorised works included the removal of a boxed winder staircase, which is mentioned in the listing description, and its replacement by the current straight flight staircase; the enclosure of which is the subject of this appeal.
4. The Appellants were prosecuted for carrying out works without consent, an application for consent for the works was refused and a subsequent appeal against that refusal was dismissed. The Authority issued an enforcement notice and an appeal against that notice, in so far as it related to the removal of the box winder staircase and the installation of the current straight staircase, was also dismissed. In 1999 the Appellants applied for consent to replace the current staircase with a spiral staircase but this was refused and a subsequent appeal was dismissed.
5. It is worth noting here the comments of the Inspector who considered the appeal against refusal of consent for the spiral stair. He stated that "I agree with the National Park Authority and the 2 previous Inspectors and consider that the removal of the boxed winder staircase and installation of the existing straight flight staircase...has been very detrimental to the fabric, character, and special interest of the listed building. From the evidence I am not convinced that this was justified by

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the condition of the boxed winder staircase or by the need to install modern amenities, which I consider could have been satisfactorily achieved in a less harmful manner".

6. The Appellants' Agent, in his grounds of appeal, envisages that the grant of listed building consent for the proposed enclosure of the straight staircase would result in "...a resolution to a long standing problem...". However, in his comments on the Authority's statement he accepts that such a consent would "...not in itself regularise/approve the existing straight staircase. A further submission would therefore be necessary for this". Nevertheless, the enclosure would perpetuate an established breach of listed building control and non-compliance with the aforementioned enforcement notice. Given also that the enclosure would serve no purpose other than to separate the unauthorised staircase from the ground floor hallway, this appeal will be determined on the basis that the enclosure would contribute to the continued retention of works that have harmed the character and historic interest of the listed building.

7. The main issue is the effect of the proposed stair enclosure and the continued retention of the straight staircase on the character and historic interest of the listed building.

8. There has been no material change in circumstances since the most recent previous appeal was determined in 2000. The layout of the refurbished farmhouse remains the same and the straight staircase has not been altered. The Appellants rely therefore on other matters which they consider to be relevant. There is no doubt that the winder staircase was in the same position as the straight staircase when the farmhouse was added to the statutory list and the fact that it may have been relocated from a different position prior to this is not significant. The listing description does not indicate where the winder staircase was in the building and it is mentioned as a historical feature of the building irrespective of its location.

9. The winder staircase was in very poor condition when it was replaced by the straight staircase and a replacement winder staircase would be constructed using new materials. In addition, there are no details of the original staircase and the Appellants maintain that "Any new boxed winder staircase would therefore be a pastiche of an invented design". Nevertheless, the boxed winder staircase, given that it was in a modest vernacular building, would have been simple in form and detailing and there is no reason to suppose that a local joiner would not be able to design and construct a replacement boxed winder staircase that would, as required by the enforcement notice, replicate the original design and construction.

10. The Appellants maintain that "The box winder stair would not comply" with the Building Regulations, with regard to the staircase not being a suitable means of escape in the event of fire, but have not given any indication why it would not comply. In this regard winding treads, as such, are not precluded and nor is the staircase being 'boxed'. There is no indication that details of a replacement box winder staircase have been submitted to the Authority for consideration by their Building Control Officer and it is likely that it is compliance with other requirements of the enforcement notice, rather than that relating to the staircase, that would result in the dwelling not complying with the requirements of the Building Regulations. There is no reason to suppose that this factor is an insurmountable problem if a box winder staircase were to be reinstated in the dwelling.

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11. Reinstatement of the boxed winder staircase would require changes to the layout of the dwelling, particularly at first floor level. There is no reason to suppose that the property, as a matter of principle, could not be used satisfactorily or that a reasonable standard of accommodation could not be achieved. An altered layout might not be suitable or satisfactory for the Appellants but the preferences of the owners of the listed building do not outweigh the need to preserve its character and historic interest. Discrepancies in plans appended to the Council's statement are not significant to consideration of the merits of the case and neither are alleged errors in the listing description. In this regard it is accepted that a box winder staircase was a feature of the building when the description was written.

12. Many comments have been made about the Authority's handling of the application, their initial indication that it would be considered favourably and their subsequent refusal of the application, amongst other things. These comments can have no bearing on the appeal which must be determined on whether the proposed works would preserve the character and historic interest of the listed building.

13. On three previous occasions an Inspector has concluded that the reinstatement of a boxed winder staircase in the former farmhouse at Long Leas Farm is necessary to preserve the character and historic interest of the listed building. There has been no material change in circumstances since the 2000 appeal and none of the matters mentioned in support of the appeal, either individually or collectively, including those mentioned by local residents and the Parish Council, lead to a different conclusion in this appeal.

14. The listing description includes a 'boxed winder stair' as being a feature of the interior of the house and the enforcement notice requires the reinstatement of this feature. The proposed stair enclosure and the continued retention of the straight staircase would be detrimental to, and would not thus preserve, the character and historic interest of the listed building. The proposal thus conflicts with Core Policy G and Development Policy 5 of the North York Moors National Park Authority Local Development Framework.

*John Braithwaite*

Inspector

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