

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 August 2011**

**Page**

---

<b>APPLICATION REF. NO:</b>	11/00310/LBC
<b>STATUTORY DECISION DATE:</b>	15 August 2011
<b>WARD/PARISH:</b>	WALWORTH
<b>LOCATION:</b>	Former Walled Garden, Walworth Road, Walworth
<b>DESCRIPTION:</b>	Listed Building Consent for insertion of gated access for pedestrian use (as amended by plans received 18 July 2011)
<b>APPLICANT:</b>	Mr John Westmorland

---

**APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 0.18 hectares and it is a former orchard which was once part of the adjacent property known as Walworth Castle Gardens. The applicant has recently sold the Walworth Castle Gardens but retained the orchard area. The site is situated on the corner of Walworth Road and Archdeacon Lane and the boundary fronting these highways consist of a stone wall approximately 2.3 metres high. Walworth Castle Hotel lies to the south of the application site and two residential properties known as The Apple Barn and Walworth Castle Gardens lie to the east.

The proposal involves the creation of an opening in the stone wall fronting Walworth Road, approximately 1 metre wide and the erection of a timber vertical boarded gate. The applicant has requested the insertion of this pedestrian entrance to allow him to maintain and repair the internal boundary walls of the site as he currently cannot gain access without having to obtain consent from the neighbouring landowners.

Walworth Castle Hotel is a Grade I listed building. The garden walls, gate piers and greenhouse (Walworth Castle Garden) to the north of the Hotel are Grade II listed buildings and the aforementioned garden walls form the eastern boundary of the application site. The Lodge which is within the grounds of Walworth Castle Hotel and its linking walls and gate piers are also Grade II listed buildings.

The stone boundary wall which is the subject of this application is not a listed building and it is not included within the listings for the above buildings and structures. However, a separate structure which is not in common ownership with an adjacent listed building can be classified as being within the curtilage of the listed building but the following factors have to be taken into account when making such a determination:

1. The physical layout of the listed building and the structure;
2. Their ownership, past and present
3. The use or function, past or present

Officers consider that the wall had a clear relationship in terms of use and ownership at the time of the “listing” of the Gardens Walls and Greenhouse and the Castle and therefore the boundary wall is curtilage listed hence the need to submit this application for listed building consent.

Members need to be aware that work commenced on site and a section of the wall was removed but the outer leaf has subsequently been rebuilt following the conclusion reached by Officers that both listed building consent and planning permission was required for the works.

A separate application for planning permission (ref no 11/00415/FUL) also forms part of this Agenda.

### **PLANNING HISTORY**

The application site is included within the wider planning history for the adjacent Walworth Castle Gardens when the site formed part of the curtilage for that property. There are no recent entries for any developments within this actual site.

### **PLANNING POLICY BACKGROUND**

The relevant guidance is contained within Planning Policy Statement 5 – Planning for the Historic Environment

### **RESULTS OF CONSULTATION AND PUBLICITY**

Six letters of objection have been received and the contents can be summarised as follows:

- *The access point would be detrimental to the historic nature of Walworth Castle, a Grade I listed building and in very close proximity but also to the immediate local area and the appearance of the curtilage listed wall*
- *The access has been requested in order that subsequent consent would then be sought to build on the land which in itself would then require vehicular access for the dwellings and a further widening and modification of the access point*
- *The development will have an adverse impact upon the “kerb appeal” and appearance of Walworth Castle, Walworth Castle Lodge and the area in general*
- *The applicant has stated that in the future he wants to gain approval for log cabins. Had the applicant kept Walworth Castle Gardens he would have still had access to the section of the land in question, or alternatively he should not have sold the land at all.*
- *The site is now land locked. The creation of the access will have an adverse impact on the character of the wall due to its historical nature. The visual impact of the gateway will look out of place and will not be in keeping with the nature of the Grade I listed Walworth Castle Hotel and the Castle Lodge which are in very close proximity*
- *The wall is curtilage listed and therefore of great importance to the local as well as national history and heritage*
- *There is an existing arched opening between the area owned by the applicant and our property (Walworth Castle Gardens). By inserting the proposed gateway it leaves our*

*garden open to access from the public road and the security of our property would be reliant upon a third party locking the proposed new gate. It also leaves our property open to anyone working in the application site. The applicant had proposed blocking up the opening but I notice he has not applied for consent to do this as this opening should also be covered by the listing*

- *The proposed opening in the wall will permanently change what is part of a listed structure and the only reason it can be requested is to aid future development of that site and this will likely be the thin end of the wedge*
- *It should be noted that the applicant has only reinstated the roadside facing of the wall and not the inside facing*
- *The documents refer to the site being a proposed site for holiday lodges. In reality holiday lodges become permanent residences and a static caravan park. This would reduce the value of houses and Walworth is a small quiet hamlet and any future development for holiday lodges should be resisted as it will destroy the character of the village*
- *Although on the surface the application seems reasonable the applicant's stated aim is to develop a holiday lodge park on the site, which we would oppose as not being appropriate use of the land and causing a danger regarding access and traffic at the junction. It is likely that this application is therefore a first step to further applications.*
- *It seems unnecessary to breach the wall as disability access is not needed as no buildings or people are on site*
- *The applicant has previously destroyed part of the wall without permission for his own access. We would request that he is not allowed to destroy this side of the wall which typifies the medieval village in which we live. We think residents and land owners should care about these precious and historic elements which make our tiny village special*
- *It would have an adverse impact upon the character of the wall*
- *A gateway would not look in keeping with the listed wall*
- *It would detract from the other listed buildings in the locality*
- *The wall is curtilage listed*

**Walworth Parish Meeting** has objected to the application on the following grounds:

- *Not in keeping with the surrounding area and damaging heritage*
- *Listed wall never needed access in the past and the applicant new this when he sold Walworth Castle Gardens*
- *Too near to Walworth Castle/listed buildings*

**English Heritage** has recommended that the application be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice

## **PLANNING ISSUES**

The main issue to be considered here is whether or not the works would sustain or enhance the significance of the heritage asset, which in this instance is the listed wall, in accordance with the guidance contained within Planning Policy Statement 5 – Planning for the Historic Environment.

The existing wall is constructed from random stone with a coping stone on top. It forms part of a boundary treatment that runs along the length of Walworth Road. As previously mentioned this section of the boundary treatment is not listed in its own right and is not included within the

listings of any of the listed buildings in the locality but it is considered to be within the curtilage of them. There is a public footpath and grass verge which runs alongside the boundary wall.

The pedestrian access would be approximately one metre wide and a timber vertical boarded gate would be inserted into the opening. The opening would be sited approximately 52 metres to the south of the road junction between Walworth Road and Archdeacon Lane. The height of the gate would be in excess of 2 metres but still below the overall height of the boundary wall.

The Council's Conservation Officer has no objections to the principle of the work and considers that the significance of the heritage asset would be sustained but requested further information about how the wall would be finished where the access will be created. This could have been secured by the imposition of a planning condition but the applicant has submitted amended plans which confirm that:

- The coping stones will overhang the entrance by 50mm
- The existing stone will be salvaged and rebuilt into the reveals
- Lime mortar will be used
- The gate would be a painted ledged framed and battened gate on crooks and bands
- The gate will be secured with a hasp and staple lock

The Conservation Officer has yet to comment upon the amended plans but Members will be updated verbally at the Planning Committee.

### **Other Matters**

The objections that have been received by the Council raise concerns over the potential future development for the site and that by granting consent for the pedestrian gate, the Council will not be able to prevent any future developments such as a proposal for holiday lodges and associated vehicular access.

Members are advised that no planning application has been submitted for such developments and if, in the future, such an application was submitted it would be considered on its individual merits and the granting of this consent would not establish a precedent for the future redevelopment of the site. This planning application should not be refused on such grounds.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

The proposed pedestrian gate would be inserted into a curtilage listed boundary wall of a site last used as an orchard to the adjoining Walworth Castle Gardens. The application site is now within a different ownership to the Castle Gardens and access is required in order to maintain the site and the boundary walls. It is considered that the insertion of the access will sustain the significance of the heritage asset in accordance with guidance contained within Planning Policy Statement - Planning for the Historic Environment

**RECOMMENDATION**

LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A5 – LB Applications (Implementation Limit)
2. Prior to the commencement of the development details of a colour scheme for the gate hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be carried otherwise than in complete accordance with the approved details  
REASON: In the interest of the visual appearance of the development and the locality
3. B7 – Detailed Application (Listed Buildings)

**SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposed pedestrian gate would be inserted into a curtilage listed boundary wall of a site last used as an orchard to the adjoining Walworth Castle Gardens. The application site is now within a different ownership to the Castle Gardens and access is required in order to maintain the site and the boundary walls. It is considered that the insertion of the access will sustain the significance of the heritage asset in accordance with guidance contained within Planning Policy Statement - Planning for the Historic Environment