



Appeal Decision

Site visit made on 4 July 2012

by John L Gray DipArch MSc Registered Architect

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

Decision date: 25 July 2012

Appeal Ref. APP/A4710/E/12/2171647

Nook End, Long Causeway, Rishworth, Sowerby Bridge, HX6 4RF

- 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 Yorkshire Water against the decision of Calderdale Metropolitan Borough Council.
 - The application, ref. 10/00175/LBD, dated 12 February 2010, was refused by notice dated 9 November 2011.
 - The works proposed are the demolition of the remaining ruins of the building.
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Decision

1. The appeal is allowed. Listed building consent is granted for the demolition of the remaining ruins of Nook End, Long Causeway, Rishworth, Sowerby Bridge, HX6 4RF, in accordance with the terms of the application, ref. 10/00175/LBD, dated 12 February 2010, and the location plan and drawing no. L12794/01 submitted with it, subject to the following conditions.
 - 1) The demolition hereby authorised shall begin not later than three years from the date of this consent.
 - 2) The demolition hereby authorised shall not begin until a written scheme for a programme of architectural and archaeological recording of the area bounded red on the location plan accompanying the application has been submitted to and approved in writing by the local planning authority. No works other than any specified in the approved written scheme shall be carried out before recording has been carried out in accordance with that scheme and submitted to and approved in writing by the local planning authority.

Reasons

2. Para. 133 of the National Planning Policy Framework says that the total loss of significance of a designated heritage asset should not be allowed unless it is necessary to achieve substantial public benefits which outweigh that loss or unless four criteria, primarily to do with use, are met. Saved Policy BE17 of the Calderdale Unitary Development Plan, which significantly pre-dates the Framework, carries broadly the same thrust.
3. The building is a ruin. It appears from the listing description that, at the time of its listing in 1984, it was intact externally. That is certainly not so now. The building has no roof, though some of the fallen main timbers can be seen within its shell. Most of the northerly gable remains standing, but with its upper part leaning significantly, and dangerously, inwards. Rather less of the southerly gable remains; indeed, some stone appears to have fallen since the

survey leading to the application plan (dated 01.02.10) was undertaken. The westerly façade remains to about eaves level only at either gable; in between, the wall has fallen partly to ground level and, again, a little more of what remains has fallen since the time of the survey. The application plan shows half of the easterly facade completely fallen and half of it surviving to above first floor sill level; now, though, a substantial part of the remaining wall, including part of the first floor sill, has fallen. Three window openings remain to be seen and the size and style of two more are discernible. There is no evidence of the internal layout, though some may remain below the stone and timber lying within the external walls.

4. Planning permission and listed building consent to reinstate the dwelling were refused in 1999 as it was considered that the building had deteriorated to the extent of being a ruin, "with very little of the original fabric to preserve in terms of architectural or historic interest". Even thirteen years ago, therefore, the extent of the building's special architectural and historic interest was accepted as being very modest.
5. Assessment against para. 133 of the Framework indicates that the only public benefit would be the removal of a potentially dangerous structure abutting public footpaths passing along the south and east sides of the building. That may be more a matter of reducing public liability than securing a benefit – but it is nevertheless to be weighed against the significance of the building as a designated heritage asset.
6. The alternative offered by para. 133, if public benefit does not justify demolition, is that all of four criteria should be met. On the first, the 1999 decision means that the nature of the ruin prevents the most appropriate use – reinstatement as a dwelling. On the second, no other viable use has been suggested by either the appellant or the Council – and, indeed, it is impossible to imagine one. On the third, the prospect of grant-funding or some form of charitable or public ownership, while not addressed in the representations, seems wholly illusory. And on the fourth, it appears from the 1999 decision that the site cannot be brought back into use. Thus, the first criterion is met, the second can be deemed to be met, one cannot imagine the third not being met and the fourth simply does not apply.
7. An assessment against saved UDP Policy BE17 is not so very different. On the first criterion, it is plainly not possible to continue to use the building for its existing/previous use. On the second, there is no other reasonable beneficial use for the building, other than the suggested safe consolidation as a ruin. On the third, no other listed building or conservation area is affected. On the fourth, the only community benefit would be the removal of a dangerous structure adjacent to public footpaths. Thus, the first and third criteria are met; so, to all intents, is the second; and the fourth is a question of weighing the very modest merits of the building, as it now stands, against the modesty of the benefit from demolition.
8. The Council and English Heritage would prefer consolidation as a ruin. English Heritage envisages that "the remaining built form could be retained, even in a reduced form ... with the materials available [on the site]" and that demolition "totally removes the evidence of this former listed house without any material community benefit" (which must mean a "former house", not a former listed building). The Council's Conservation Officer sympathises with the appellant's concerns but (if I interpret the attribution in the officer's report correctly)

recommends reducing the building to ground floor sill level and leaving it as a "controlled ruin".

9. It is, to say the least, doubtful what that would achieve. The external plan form of the building would be evident, though not its interior or first floor layouts. It would be evident where some of the ground floor openings had been and, to an extent, what their style was – but that would indicate not so much a building of special architectural and historic interest as one which had common traditional characteristics. It is no longer immediately apparent to the passer-by what century the building might date from, far less that it dates from the mid-17th century – and it certainly would not be apparent if the suggested consolidation was undertaken.
10. Accordingly, one may come to the following conclusions. The only public benefit to flow from demolition would be the very modest one of removing an accessible and potentially dangerous structure abutting public footpaths. On the other hand, the evidence of special architectural and historic interest that led to the building being listed is also now very modest, the larger part of the structure having disappeared. A criteria-based justification for demolition based on para. 133 of the Framework can very reasonably be argued, although, in practice, one of the criteria simply does not apply and the conclusion on a second is informed speculation. A criteria-based justification based on saved UDP Policy BE17 may equally reasonably be argued, coming in the end to weighing a modest benefit against the modest value of the ruin.
11. That brings things back to the Council's 1999 conclusion that there is "very little of the original fabric to preserve in terms of architectural or historic interest", a conclusion with which I fully agree. Consolidation as a ruin would leave still less. Also reasonably to be considered is how much of what architectural or historic interest there is may be recorded rather than preserved in three dimensions.
12. In effect, the architectural interest of the building has disappeared. While there could be some interest in being able to see that there was once a dwelling in this isolated location, the historic interest is essentially something that can be recorded and archived in the absence of a structure of any material architectural interest. A condition can secure that.
13. It follows that there is no cogent reason to withhold listed building consent, provided that the loss of the building is mitigated by appropriate recording of architectural and archaeological remains before demolition begins.

John L Gray

Inspector

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