

Dealt with by: Pat Trafford

Our Ref: PST 2014/10

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Your Ref:

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Date: 15th April 2015

Dear Councillor,

Delegated Decisions Register

Please find enclosed a copy of the following report that is to be considered by the relevant Portfolio Holder:-

Decision Reference	Title
2014/10	Addition of The Holly Bush Inn, Brown Edge to the Local Heritage List

If you wish to submit any comments, please forward them in writing to the **Portfolio Holder**, with a copy to the Officer who wrote the report, **prior** to the date the decision will be taken, which in this case will be no sooner than **22nd April 2015**.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Pat Trafford

Pat Trafford
Member Services Officer

Encs.

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to the Portfolio Holder for Planning, Development and Property

15th April 2015

TITLE:	Addition of The Holly Bush Inn, Brown Edge to the Local Heritage List
PORTFOLIO HOLDER:	Councillor Wain – Portfolio Holder for Planning, Development and Property
CONTACT OFFICER:	Name of Officer – Gill Bayliss
WARDS INVOLVED:	Brown Edge and Endon Ward

Appendices Attached

Appendix A – Letter of Objection from Shoosmiths Solicitors on behalf of the owner.

1. Reason for the Report

- 1.1 To add The Holly Bush Inn, Brown Edge, to the Staffordshire Moorlands Local Heritage Register (the local heritage list). An Article 4 Direction was served on this property in recognition of its local building merit. The building is considered worthy of addition to the local heritage list and if this is accepted it will be possible for an Article 4 Direction to be confirmed - a matter for the Planning Applications Committee. The effect of the Article 4 Direction would be to require planning permission to be obtained should there be a proposal to demolish the premises.

2. Recommendation

- 2.1 That The Holly Bush Inn, Brown Edge is added to the Staffordshire Moorlands Local Heritage Register.

3. Executive Summary

- 3.1 Supplementary Planning Guidance on the Local Heritage Register was adopted by the Council in February 2008. This enables non-designated heritage assets to be added to a list to acknowledge their contribution to the local distinctiveness of the Staffordshire Moorlands.

- 5.2 Option 2
To not include The Holly Bush Inn on the Staffordshire Moorlands Local Heritage Register. Not recommended. The building meets the Council's criteria for local listing and its addition to the local list is recommended by the Council's Conservation Liaison Panel. To not include on the local list would be to neglect a key means by which a Local Planning Authority can be expected to help safeguard a building of recognised local interest and acknowledged community value.

Risks:

If not accepted on the Local List the Article 4 Direction, provisionally served for a six months period, would not be confirmed and would lapse. As there is strong community support for the local listing, dissatisfaction and criticism from the local community could be anticipated on grounds that the Council had not used its full powers in the public interest if the listing was rejected and the Article 4 Direction therefore unable to be confirmed. There would be increased risk of the loss of a building with historic, architectural and community value.

6. **Implications**

- 6.1 Community Safety - (Crime and Disorder Act 1998)
None
- 6.2 Workforce
None
- 6.3 Equality and Diversity/Equality Impact Assessment
Compiled in compliance.
- 6.4 Financial Considerations
None identified
- 6.5 Legal
None
- 6.6 Sustainability
Local heritage listing is both an appropriate, and here, a necessary means of achieving sustainability in Planning in accordance with the Core Strategy and the National Planning Policy Framework.
- 6.7 Internal and External Consultation
The proposed local listing has arisen from the public consultation accompanying a Notice of Demolition received by the Council in respect of the Holly Bush Inn in September 2014. The Brown Edge Parish Council consulted with English Heritage who in turn supplied a detailed report which identified "undoubted local interest". There were some 38 representations objecting to the notice of demolition. Consultation has also taken place with the owners and the Council's Conservation Liaison Panel. The Liaison

- 7.4 Council served the Article 4 Direction on 11th November 2014. Confirmation of the Notice has to be made before 11th May 2015 or the Direction will otherwise expire. The six months period has been taken as opportunity to consider the building for addition to the local list.
- 7.5 The owner and occupier of the pub were notified on the 10th February 2015 inviting their views on the nomination of the Holly Bush Inn for the local list. The owner's solicitors responded stating that they were strongly opposed to the proposal and stating that there is no justification for its addition. Their grounds of objection are set out in a letter received dated 24th February 2015, which states inter alia that:
- the building has no inherent historical or architectural value;
 - that it doesn't meet the listing criteria of the Council's SPD;
 - that the English Heritage letter and report dated 21st October 2014 supports the conclusion that the building has no inherent interest.
- 7.6 The Staffordshire Moorlands Conservation Liaison Panel considered the nomination to add the property to the Local Heritage Register at its meeting on the 25th February 2015. The Panel considered that the building met several of the local listing criteria, assessed by reference to the SPD (section 3.2) and the English Heritage Good Practice Guide (May 2012):
- Age and Rarity: the building is pre-1840 and retains a significant part of its historic character;
 - Aesthetic or Architectural Value: the building retains distinctive features including sash windows set in moulded surrounds, chimney, rusticated quoins, decorative eaves and retains its clay tiles;
 - Landmark Buildings: it is prominent in the streetscape;
 - Historical Interest: confirmed by the English Heritage assessment report (21 October 2014) 'The building is undoubtedly of local interest, due to its long service as a public house, and as a valued local amenity'.
- 7.7 Clearly the assertion on behalf of the owner that the building has no inherent historical or architectural value is not borne out by the map evidence and a visual examination of the building exterior. The requirements of the SPD are that the building "should have some special interest" (paragraph 3.2) and this "would include one or more of the following: Architectural interest... Historical interest... Group Value... and Landmark Buildings - particularly prominent buildings in a locality, street or landscape or which contribute to local landscape character." The Conservation Liaison Panel has concluded that the building meets three of the selection criteria and added reference also to age and rarity which head the list of recommended criteria from English Heritage.
- 7.8 The objection on behalf of the owner appears not to recognise that the English Heritage Assessment is primarily concerned with National Listing and that local heritage listing is a separate legitimate process designed to deal precisely with cases such as this in which, whilst not meeting national listing criteria, do nevertheless have defined local interest. The objection further appears not to recognise that the English Heritage assessment does in fact express support for the possibility of inclusion on a local list by its statement in the conclusion of its report that the building "is undoubtedly of local interest".

Mrs G Bayliss and Head of Regulatory Services (Planning)
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Delivered: by Post

Your Ref ART/2014/0001
 Our Ref AAC ljp
 Date 24 February 2015

URGENT

Dear Sir

MATTER: THE HOLLY BUSH INN, BROWN EDGE, STAFFORDSHIRE MOORLANDS ("THE PROPERTY")
OUR CLIENT: PEACOCK GROUP SIPP

We write on behalf of our client, Peacock Group SIPP, in relation to your correspondence dated 10 February 2015 which purports (wrongly) to attach some form of heritage significance to the above property by seeking to add it to The Staffordshire Moorlands Local Heritage List. Clearly, any such addition is strongly opposed by our client and please accept this letter as formal representations against such a listing.

1. Proposal to add the premises to the Local Heritage List

It is unclear as to why the Council would seek to include this building as an addition to the Local Heritage List, given that it has no inherent historical or architectural value, and that it does not meet the criteria as set out in the Council's SPD (on which you are presumably seeking to rely?) That the building has no inherent interest is borne out by the attached letter and report dated 21 October 2014, which confirms English Heritage's position in refusing to list the building and concludes:

"...our opinion is that the evidence provided is sufficient to demonstrate that The Hollybush Inn lacks the architectural and historical special interest which would be necessary for listing"

The correspondence gives absolutely no justification for seeking to add the Property to the Local Heritage List, but goes on to state that *"there is normally a presumption in favour of adopting those that qualify"*. In the circumstances this statement is perverse. No details have been provided to our client as to the grounds on which the Property purportedly meets the "requirements of the selection criteria", or as to whether the Council is now of the opinion that the Property should be added to The Local Heritage List.

The Council's ongoing campaign to frustrate development in respect of the premises cannot be said to be reasonable, proportionate or in the public interest. If the Council continues to pursue these matters then it may fall into legal error and clearly there will be cost implications as our client will need to be compensated for the time and money spent to date. Our client is additionally considering a separate formal complaint to the ombudsman.

Yours faithfully



SHOOSMITHS LLP

