



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

<b>AGENT:</b>	Mr John McPherson - John McPherson Architectural Ltd First Floor 29 Station Road Dovercourt Harwich Essex CO12 3AL	<b>APPLICANT:</b>	Mr Peter Barringer Guildhall 11 Church Street Harwich Essex CO12 3DS
---------------	--	-------------------	---

#### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

**APPLICATION NO:** 19/00648/LBC

**DATE REGISTERED:** 24th April 2019

Proposed Development and Location of Land:

**To install dividing plasterboard faced stud partitions between office accommodation and carvings room.  
Guildhall 11 Church Street Harwich Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY HEREBY REFUSE LISTED BUILDING CONSENT in accordance with the application form, supporting documents and plans submitted, for the following reason(s):

- 1 Paragraph 189 of the National Planning Policy Framework 2019 requires applicants to describe the significance of any heritage assets affected. This requirement is retained by emerging Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Emerging policy PPL9 further states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character appearance and fabric.

In this instance the proposal seeks to infill the existing space either side of the fireplace with plasterboard partitioning to divide the office from the carvings room.

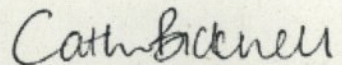
Whilst the applicant's supporting statement includes a copy of the statutory list description, it does not provide any information (including photographs) with regard to the provenance/significance of those parts of the heritage asset that would be most affected by the proposal, in particular the bare wooden walls which have elaborate carvings which date from the late C18. It is not clear to what extent this fabric would be affected in terms of fixing of the proposed partitions. This information is necessary in order to fully understand the impact of a proposal upon significance and to avoid or minimise conflict between a heritage asset's conservation and any aspect of the proposal, and also to assess where there may be harm to significance, as advised in paragraph 189 and 190 of the National Planning Policy Framework (NPPF).

The lack of a detailed heritage statement and an understanding of the significance of the heritage asset is reflected in the proposal. The proposed partitions are located in one of the earliest and most significant parts of the building, within the carving room and below the former prison partitions. The partitions, if installed, would detract from the legibility and appreciation of this space. As a result this proposal will detract from the plan form and aesthetic value of this very significant building.

The identified harm caused to the heritage asset is not outweighed by any significant public benefits. Consequently, the proposal fails to accord with paragraph 196 of the National Planning Policy Framework 2019 and the afore-mentioned local and national planning policies.

**DATED:** 18th June 2019

**SIGNED:**



---

Catherine Bicknell  
Head of Planning

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL9 Listed Buildings

**The attached notes explain the rights of appeal.**

**NOTES FOR GUIDANCE****ABOUT LISTED BUILDING AND CONSERVATION AREA APPLICATIONS**

1. If the applicant is aggrieved by the decision of the local planning authority to refuse Listed Building consent or Conservation Area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a **Conservation Area / Listed Building Appeal Form (whichever is applicable)** which is obtainable from the Planning Inspector, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State has power to allow a longer period for the giving of a notice appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. **Please note, only the applicant has the right of appeal.**
2. If Listed Building consent or Conservation Area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, a purchase notice requiring that the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (listed Building and conservation areas) Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation areas) act 1990.
4. Identical rights of appeal exist if an applicant is aggrieved by the decision of the local planning authority in relation to an application made on that behalf:-
  - a) To refuse, to vary or to discharge the conditions attached to a Listed Building consent or Conservation Area Consent
  - or
  - b) To add new conditions consequential upon any such variation or discharge.