

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPEAL UNDER SECTION 39(1) OF 1990 ACT**

Site Address: Land at Rose Bank, Todmorden OL14 7AL

Alleged breach: Without Listed Building Consent:

- The demolition of a section of curtilage wall to the north east boundary of the grounds of the listed building
- Construction of breezeblock wall attached/abutting curtilage wall

Appellant's name: Harald Inskip

Appeal reference: APP/A4710/F/20/3261456

Appeal start date: 11 January 2021

I refer to the above details.

An appeal has been made to the Secretary of State against a Listed Building Enforcement Notice issued by Calderdale MBC on 24 September 2020.

The listed building enforcement notice was issued for the following reasons:

The unauthorised demolition of curtilage wall has drastically altered the appearance of the listed building. The unauthorised alteration fails to preserve the character and appearance of Listed building and detrimentally impacts on and affects the special architectural and historic asset.

The curtilage wall is a valuable part of the character of a Todmorden Old Hall and should in its entirety be retained. The demolition of wall to provide access has caused a substantial break which has disrupted the unity of the frontage that made an important visual contribution to the locality.

The breezeblock wall is harmful due to harmful impact on the character appearance and setting of the listed building by virtue of the nature of the structure and the inappropriate materials.

Furthermore the unauthorised demolition and breezeblock wall is considered contrary to the following national guidance and policies in the adopted Replacement Calderdale Unitary Development Plan (RCUDP), which was Adopted 25 August 2006 (saved in 2009) copies of which are annexed to Listed Building Enforcement Notice.

The listed building enforcement notice requires the following steps to be taken:

Within 1 (one) month of notice taking effect:

- (i) Demolish and remove the breezeblock wall from the Land
- (ii) Rebuild the section of curtilage wall that has been demolished and restore it to its previous condition before the unauthorised works took place (as shown in Appendix 1).
- (iii) The rebuilding of the wall as required by step (ii) above shall reuse the original stone blocks and triangulated coping stones removed from the curtilage wall in accordance with image of wall shown in Appendix 1.
- (iv) Ensure that any shortfall of original stone is made up of natural stone of identical form, size and appearance of the original stone.
- (v) Ensure that mortar pointing is identical to original pointing shown in Appendix 1 in preparation and application

The appellant has appealed against the notice on the following grounds:

Ground (d) – *That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.*

The Appellant argues that work done was necessary to facilitate ongoing “...maintenance of a retaining wall which supports the Todmorden station car park” through removal of “...section of wall on Rise lane” to gain continued access.

The appeal will be determined by Written representations procedure.

The procedure to be followed is set out in the Town and Country Procedural Guide, Enforcement Notice appeals – England at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952257/Procedural_Guide_-_Enforcement_appeals_Nov_2020_2_.pdf

If you wish to make comments, you can do so by emailing teame1@planninginspectorate.gov.uk

If you do not have access to the internet, you can send three copies to:

Paul Eland
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN



Richard Seaman
Development Manager

All representations must be received **by 22 February 2021**. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available for inspection online at <https://portal.calderdale.gov.uk/online-applications/enforcementDetails.do?activeTab=documents&keyVal=Q8X898DW0D600> or on request from Customer House¹, 19 Horton Street Halifax HX1 1QE.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at (<https://www.gov.uk/government/collections/taking-part-in-a-planninglisted-building-or-enforcement-appeal>).

When made, the decision will be published on the Planning Portal.

Yours Faithfully,

Richard Seaman
Corporate Lead - Planning
Planning Services

¹Duty Planning Officer

We have an officer available at Customer House between 9 am – 1 pm on Monday, Wednesday or Friday. Due to demand this service is limited to 15 minute slots and doesn't cover enquiries about whether planning permission is required. Only general advice can be given and will not cover a site's allocation on the Unitary Development Plan, planning history of a site, or any constraints that relate to a site.



Richard Seaman
Development Manager