



ENGLISH HERITAGE

EAST OF ENGLAND OFFICE

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Our ref: L00419696

Date: 26 June 2014



Dear Mr Baum

**Notifications under Circular 01/2001, Circular 08/2009 &
T&CP (Development Management Procedure) Order 2010**

**ROMANY RYE, CHURCH STREET, DEREHAM, NORFOLK NR19 1DL
Application No 3PL/2014/0524/LB - part demolition of existing listed cottage,
change of use to additional pub garden**

Thank you for your letter of 5 June 2014 notifying English Heritage of the above application.

Summary

This application proposes demolition of a building which stands in the yard of the Romany Rye public house in order to extend the pub garden. This building is an early 17th century house and is listed at grade II. The proposals would result in the demolition of most of the building's historic fabric and cause substantial harm to its significance. The necessity for this harm in order to deliver substantial public benefits has not been established, as required by the National Planning Policy Framework, so the Council should refuse consent.

English Heritage Advice

This application seeks permission to demolish the majority of the former house found in the rear yard of the Romany Rye (formerly the Phoenix Hotel), leaving parts of some of the external walls as low enclosures to an extension of the pub's 'beer garden'. This house dates from the early 17th century, with subsequent alterations including elements of masonry construction on the east where a plat band could suggest a more fashionable façade was added later in the century. A rear stair enclosure projects from the western side. The exterior is rendered but probably

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contains a timber frame with the steep pitched roof that is a prominent feature in Church Street suggesting the roof, now clad in pantiles, may have originally been thatched. Inside there are exposed bridging beams characteristic of the 17th century with door furniture of that period.

Little appears to be known about the building's origins, but it sits in an important position in the historic centre of Dereham between the High Street and parish church. While Church Street contains a range of building, some of it (such as the Romany Rye) of little historic value, the annex to the hotel forms part of an important group at the western end. Listed buildings also dating from the 17th century stand to its west and south and the grade I listed parish church with its bell tower and the late medieval Bishop Bonner's cottage mark the end of the street. The listed building in question makes an important contribution to this group, as well as being a building worthy of statutory designation in its own right.

The application does not include very detailed drawings of the proposals, only plans at 1:100 scale and no information on the historic building beyond the listing description. However, it is clear that the proposed demolition would remove the roof, first floor and large parts of the ground floor walls of the building. It is proposed to retain parts of the east and south ground floor walls, including two of the existing sash windows, although these and the interior would be made into external features and so liable to decay. No information is given about the structural issues that might arise from the removal of such large parts of the building, how the remaining masonry will be retained *in situ* and how any exposed timber framing might be treated. Lacking this information it is possible to conclude that the small parts of the building proposed for retention might in practice need to be dismantled or will at least be subject to rapid deterioration. Even with the retention of these elements, which would be rendered somewhat meaningless by the extent of demolition, it seems clear that most of the historic value of the listed building will be lost by the demolition. As regards the streetscape, the result of the proposals would be to degrade the setting of the adjacent listed buildings (including the grade I listed parish church) and the quality of the street.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in considering applications for listed building consent the local planning authority shall have special regard to the desirability of preserving the building (paragraph 16.2). Similarly in considering applications for planning permission for development which affects a listed building local planning authorities shall have special regard to the desirability of preserving the building (paragraph 66.1). Furthermore, special

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attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of any powers under the planning Acts (paragraph 72).

The National Planning Policy Framework (NPPF) builds upon the 1990 Act. It identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets (in this the listed building and its neighbours) is a core principle of the planning system (paragraph 17). Furthermore, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favorably.

Paragraph 128 of the NPPF requires applicants to describe the significance of heritage assets affected by proposed development and the contribution their setting might make to that significance. Sufficient information should also be provided to enable an understanding of the potential impact of the development on the assets. It is reasonable for such information to be proportionate to the importance of the heritage asset concerned and the impact upon it of the works. The application in question concerns the destruction of a large part of a statutorily designated heritage asset, so some considerable detail of the significance is needed so impact can be fully assessed. No such information has been submitted so the application fails to satisfy the requirements of paragraph 128 of the NPPF.

Despite the lack of information accompanying the application we have considered the proposals in light of government policy and relevant English Heritage guidance and conclude that the proposed demolition would result in substantial harm to the significance of the grade II listed building in question in terms of paragraph 133 of the NPPF. Also, the demolition would degrade the setting of the adjacent grade II listed buildings and the wider setting of the grade I listed parish church and its bell tower would also result in harm to their significance in terms of paragraph 134.

Paragraph 132 of the NPPF states that "substantial harm to or loss of a grade II listed building... should be exceptional". Paragraph 133 further states that where, as in the current case, 'a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should

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refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'. We would contend that that creation of the proposed pub garden does not constitute 'substantial public benefit' which necessitates the demolition of a historic building which has been statutorily designated by Government.

If the required necessity of the harm to deliver substantial public benefit is not established NPPF paragraph 133 goes on to set a series of alternative tests, all of which should be satisfied:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. It is our view that the 'substantial public benefit' required by the NPPF would not be delivered by the demolition of the listed building and that the applicants have not satisfied the other tests set out in paragraph 133. The application should therefore be refused, as stated in paragraph 133.

The application makes reference to the condition of the listed building. It is asserted that the building is in poor condition and suggested that it cannot be repaired and brought into use, although no evidence is submitted to support these assertions. The applicants have owned the property since 2008. During this time it does not appear that any repairs or maintenance has been carried out to improve the condition of the building or arrest its deterioration. It is stated in the application documents that the building was already in poor condition before the applicants acquired it. However, we understand that Breckland Council commissioned an inspection of the building in 2006 at which time its condition was not considered to be poor. Even regardless of this, the inactivity of the applicants in the past six years does seem to be remiss. Paragraph 130 of the NPPF specifically addresses this issue when it states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision' in determining applications for consent. If deliberate neglect has taken

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place we would suggest that these unsubstantiated claims about the building's condition should not be given significant weight in the Council's deliberations.

Recommendation

The demolition of most of the grade II listed cottage at the Romany Rye site would result in substantial harm to the significance of the listed building in terms of paragraphs 132 and 133 of the NPPF. The impact on the setting of nearby listed buildings (including the grade I listed parish church) would result in harm to their significance in terms of paragraph 134. The details submitted with the application also fail to satisfy the requirements of paragraph 128. The application has failed to satisfy the tests set out in the NPPF for justifying the substantial harm. We would therefore object to the application and recommend the Council reuse consent, as required by paragraph 133.

Yours sincerely

David Eve

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