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Dear Mr. Walstow

**OBJECTION TO APPLICATION: 2022/94073 (the 'Proposed Development' or the 'Application') 94B New North Road, Edgerton, Huddersfield HD1 5QP (the 'Application Site')**

We write further to the agent representation from Mr. Storrie of D5 Planning dated 25<sup>th</sup> May 2023, which only appeared on the Council's website last week.

That letter purports to pour scorn on our letter of objection submitted on 17th February 2023, all of which is still relevant and by which we still stand.

Are we really expected to accept that the Application Site does not amount to being curtilage listed building per s.1(5) of the Planning (Listed Building and Conservation Areas) Act 1990 ('PLBCAA'), simply because Mr. Storrie says it is so?

We certainly do not accept that

You have had the applicant, through D5 Planning, carry out this exercise for a reason, as Mr. Storrie states himself in D5 Planning's letter; you on behalf of the Council as Local Planning Authority ('LPA') have rightly asked the applicant for evidence that the building is not curtilage listed.

Mr. Storrie's evidence on behalf of his client can be summarised as:

- (i) no. 94 (note: NOT 94b, the actual Application Site) was not listed at the time our building, no 92, as well as 96 and 98 was; and
- (ii) no. 94b has a right of access to the rear of no. 92 to it; and
- (iii) the Application is allegedly for external alterations only

Apart from all of these being disputable, they are all respectfully desperately wanting and cannot possibly amount to 'evidence' of the Application Site not being curtilage listed building for the purposes of s.1(5) PLBCAA. Such desperation in our view speaks volumes and 'says it all', but we shall elaborate where D5 Planning will seemingly not, either due to a lack of knowledge or lack of confidence in his client's position.

**94B Allegedly Not Listed**

First, as D5 Planning should well know, although a listing description will identify particular features and items of special architectural interest, regardless of this, every part of a listed building in law is equally 'listed' and afforded such protection (e.g. *City of Edinburgh Council v SoS for Scotland* [1997] 3 PLR 71). Indeed, a structure fixed to the land, even though erected after the date of the listing can be treated as part of the listing (e.g. *Richardson Development Ltd. v Birmingham City Council* [1999] JPL 1001).

D5 Planning, despite being an experienced planning consultancy, has offered no reference or deference to relevant legal tests or guidance set down in case law relating to whether or not buildings amount to being 'curtilage listed' such as *Debenhams Plc v Westminster Council [1987] AC 396*. The fact that D5 Planning has not even referred to this, or any associated guidance from Historic England, speaks volumes on the strength of its argument, which is weak to the point of being otiose or non-existent.

We stop ourselves writing, as it is not our job to do the applicant's representative's job, which should have provided reference to the relevant law and guidance. It has done neither.

You asked the applicant to demonstrate that the Application Site did not amount to being curtilage listed building. Quite simply, the applicant has certainly not demonstrated this.

We simply refer you back to our letter dated 17<sup>th</sup> February 2023.

### **94B having a right of access to the rear of no. 92**

We are surprised to see this used as an argument on behalf of the applicant. This is because, to the very contrary, this in fact only serves to reinforce that there is an historical and geographical connection between what are now the main buildings and outbuildings. It can be seen on the listing that no. 92, no. 94, the property known as the Coach House and 94b - the building on the Application Site, form part of what is clearly an historic courtyard-style setting prior to separation of ownerships.

We again refer you back to our original letter of representation dated 17<sup>th</sup> February 2023.

In this respect, the representation on the part of the applicant by D5 Planning only serves to reinforce that the Application Site amounts to being curtilage listed building per s.1(5) PLBCAA.

### **Alleged external alterations only**

Even if this was accurate (and please read below why it is not) this respectfully has no bearing on whether the Application Site is curtilage listed for the purposes of s.1(5) PLBCAA.

Nevertheless, it is plain from the plans submitted that there are very clear internal works due to take place.

We don't feel that we need to write any further in this respect. We again simply refer you to our letter submitted 17<sup>th</sup> February 2023, as well as the plans submitted with the Application. There are 'Existing' and 'Proposed' floor plans for heaven's sake - we cannot understand why D5 Planning would have made such a statement in this respect, because there are clear intended internal alternations.

We have again covered this in our letter of representation 17<sup>th</sup> February 2023 and stop ourselves writing.

In conclusion, the applicant and its representative has done nothing but reinforce that no. 94B does amount to curtilage listed building. Following challenge to the applicant from the Council, it most certainly has not demonstrated that it is not. Accordingly, it seems that the Council must treat the building as curtilage listed pursuant to s.1(5) PLBCAA.

This letter and our original letter submitted 17<sup>th</sup> February 2023 should be read together.

Presently, there is scaffolding erected at the Application Site.

