



Nick Willock
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18 March 2020

Dear Nick,

New Closes Farm, Wickins Lane, Holmfirth, HD9 3RB

Following recent correspondence this letter considers the outbuilding (workshop) at New Closes Farm in order to provide advice as to whether this can meet the test required for it to be considered a curtilage listed building. There are a collection of buildings that comprise New Closes Farm. Today these form three domestic tenanted dwellings and historically deeds refer to six cottages. The oldest building is located in the centre of this collection and is on the list of buildings of special architectural or historic interest at Grade II (listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended) where it is described as New Close Farmhouse. It was added to the list on 4 August 1983 when the entire site was in use as kennels by the Holme Valley Beagles who owned New Closes Farm. The list entry number is 1313638 and the entry reads:

'House, part of farm group. Early to mid C19, though earlier origin. Thinly coursed rubble with quoins to lower 2 floors, and hammer dressed stone to second floor. Stone slate roof. Three storeys. Enlarged 2-light window to ground floor. First and second floors each have one 5-light stone mullioned window with one blocked light. Left side has entrance to ground floor and one blocked 2-light window to first floor. Listing NGR: SE1275208773'

The building in question is a detached workshop immediately adjacent to the fields, entrance track and car parking area. The workshop is not attached to the listed building or any other building referred to above. It is clear from photographic evidence and elevational drawings of the former and current building at this site, that the workshop is a complete replacement of the piggery barn previously in this location. Materials were salvaged and reused from this earlier building where possible, and the current building maintains a simple rural agricultural character. The careful dismantling and rebuilding of the former piggery barn to form the current workshop building is acknowledged by Kirklees Local Planning Authority, the owner of New Closes Farm and the Appeal Inspector in decision reference Appeal C Ref: APP/Z4718/W/18/3192915 dated 18 July 2018. The early 21st century date of the present workshop building is therefore a matter of fact and record.

Although listed building consent is not normally required for the erection of a free standing building in the curtilage of a listed building, once erected the building would formerly (before 1986) have been subject to listed building control. That rule was modified by the Housing and Planning Act 1986 and the scope of the listing is now restricted to any object or structure in the curtilage which has since before July 1 1948 formed part of the land. This is confirmed in Part 1 chapter 1 section 5(b) of the Planning (Listed Buildings and



Conservation Areas) Act 1990, which states that a listed building includes '*any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948*'. Case law has clarified the key factors that need to be taken into consideration in assessing whether a structure or object is within the curtilage of a listed building when the structure or object pre-dates July 1948.

In this case it is readily apparent that the workshop cannot be considered to fall within the curtilage of the listed building as it was built in approximately 2009 when it replaced an earlier piggery barn (that had been most recently used as kennels) in this location. For this reason I would not expect any future works at the building to require listed building consent, although of course the other relevant permissions (such as planning permission) would still be required in the usual way.

I would advise that a copy of this letter is supplied to the Local Planning Authority as part of the documentation for the Certificate of Existing Lawful Development.

If I can be of further assistance please do contact me.

Yours sincerely

Redacted

Liz Humble (MA Cantab, MA Distinction, IHBC, MCIfA)
Director
Humble Heritage Ltd