



## 2.0 **Relevant Site History**

- 2.1 **89/00028/1** - Removal of existing internal walls, installation of new studwork partitions and formation of new opening in rear wall for staircase on first floor of existing building and external rendering of walls of rear extension (retention of works already undertaken)  
**CON 03/04/1989**
- 97/00108/1LB** - Removal of internal stud wall and internal alterations  
**CON 02/05/1997**
- 99/00774/1LB** - Single storey rear dining room extension (as amended by drawings received on 8.7.99)  
**CON 20/07/1999**
- 03/00331/1LB** - Single storey rear dining room extension (as variation to listed building consent 99/0774/1LB granted 20/07/1999) (as amended by plan received 18th June 2003)  
**CON 28/07/2003**
- 03/00692/1** - Single storey rear extension to dining area, provision of retaining wall, steps and terrace. Five additional parking spaces.  
**CP 28/07/2003**
- 16/02113/1** - Change of use from A4 (Public house) to C3 (single dwelling)  
**R 21/07/2017 Appeal dismissed**
- 16/02129/1LB** - Retention of internal and external alterations, in association with conversion from Public House to single residence.  
**WD 09.04.2020**
- 17/01524/1LB** - Retention of insulated vaulted ceilings to the games room at ground floor and across the first floor following removal of horizontal ceilings at first floor  
**WD 09.04.2020**
- 14/02684/1PRE** - Internal repairs and alterations.
- 19/00341/FP** - Sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse. Creation of new car parking for public house. Erection of a 1.8m high close boarded timber fence on the line of the rear shared boundary between the retained Public House and the new dwelling. (Amended description only).  
**R 04.04.2019**

**19/00342/LBC** - Internal alterations to facilitate the sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse. (Amended description only).

**R 04.04.2019**

**19/01222/LBC** - Internal and external alterations to facilitate the reinstatement of The Cabinet as a public house (class A4) (as amended by drawing nos. 16/001/A/01C & 16/001/A/03D received on 03/06/2019).

**WD 09.04.2020**

**20/01349/FP** - Subdivision of existing building to be part retained as a Class A4 public house and part used as a single C3 dwellinghouse together with internal alterations  
WD 15/09/2020

**20/02430/FP** - Retention of fencing, external kitchen flue and enclosed rear store  
To be determined

### 3.0 **Policies**

#### 3.1 National Planning Policy Framework Section 16: Conserving and enhancing the historic environment

The following paragraphs in particular should be noted:

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” (para 189)*

*“In determining applications, local planning authorities should take account of....the desirability of new development making a positive contribution to local character and distinctiveness....” (para 192)*

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)....” (para 193)*

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....” (para 194)*

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” (para 196)*

The Local Plan was scheduled to have several additional hearings in Spring 2020 but the LP Inspector confirmed the postponement of the LP Hearings due to coronavirus. The Hearings were rescheduled and recommenced in November 2020. The Inspector has now issued his Further Proposed Modifications to the Plan following the close of the hearing sessions and these are material / part of the ‘emerging Plan’ under NPPF 48 from the point of issue and now carry material weight to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating The Proposed Main Modifications (November 2018) and the policies contained within it i.e. Policy HE1.

### 4.0 **Representations**

#### 4.1 **Reed Parish Council - OBJECTION**

- The effect of the applications would be to secure the change of use of the bulk of The Cabinet premises from its lawful A4, public house use to C3, domestic residential use. The change from A4 to C3 has previously been refused on appeal, on grounds well known to the Planning Authority. The subsequent application in 2019 for subdivision of the premises, with the retention of a small area for A4 use, was refused for 5 reasons which are rehearsed in the design and heritage statement presented in the current application.
- The present application does not meet the substantive objections detailed in the refusal of the 2019 application, nor in the Inspector's appeal decision in 2018. In particular, the present application's proposal for physical linkage between the proposed C3 and A4 parts of the premises does not answer the concern flagged in the 2019 refusal decision about the future sustainability of this proposed arrangement with such flimsy separation of the domestic and commercial functions of the property. This calls into question the long term viability of the pub restaurant business with such a configuration.
- The issue of viability (this is not a matter for the current LB application)
- The size of kitchen proposed is too small to make the pub and food-offer commercially viable in the medium to long term.
- The present application is not designed to create the "reasonable circumstances" for the A4 use to be viably sustained. It offers very limited toilet provision and a licence that limits occupancy to a maximum of 50 customers.
- The community facility and value of the listed building in its use as public house - cited by the Inspector in his report as a material reason for refusing change of use - would be lost.
- The applications propose a once-and-for-all division which would render the bulk of the building into a domestic dwelling, with a small (and we argue un-viably small) section reserved for separate, commercial use as a Bar-Takeaway-Restaurant. The effect would be to turn the bulk of the building into a house in perpetuity with the definitive loss of The Cabinet as Reed's village pub - and with it the associated heritage and community-asset value.
- The two present applications are an attempt to circumvent the appeal decision of the Inspectorate, given in December 2018 and achieve change of use to C3 by another means. This was clearly also the purpose of this proposed arrangement in the application refused in April 2019. The current applications are a refinement of the original, but for the same purpose, which is to secure the conversion of the complete Cabinet site to the C3 use, which the owner sought in his first retrospective application to the Planning Authority in 2016.
- The applicant has misleadingly advertised a tenancy for The Cabinet based on the splitting of the ground floor area since the refused 2019 application and well before this latest application for changed use was submitted. His application for listed building consent fails to provide a detailed list of the works the application seeks to authorise.
- In a manner entirely consistent with his past practice the applicant has already undertaken works over recent months to accomplish the reconfiguration of the ground floor proposed in the current application.

**Press & site notices** – 10 objectors.

#### 5.0 **Planning Considerations**

#### 5.1 **Site and Surroundings**

- 5.1.1 The Cabinet is grade II listed and located within the Reed Conservation Area. The building was designated as such on 3 June 1987 and is described as follows:

***Public house. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.***

## 5.2 Proposal

- 5.2.1 Internal and external alterations (majority of which is retention of) including kitchen flue (part enclosed by boarding), enclosure of smoking shelter to form store and formation of additional store alongside on site of previous fuel store (as also covered under ref: 20/02430/FP and as amended by plan nos. P001 Rev G and P002 Rev F received on 13/04/2021).
- 5.2.2 Following receipt of the amended plans referred to above, further consultation took place with responses dated 4<sup>th</sup> and 6<sup>th</sup> May 2021 received from Save the Cabinet Action Group (SCAG) and Reed Parish Council respectively.

### Key Issues

- 5.3.1 The key issues relate to whether the alterations would occasion harm to the listed building's special character or harm the character or appearance of the Reed Conservation Area.
- 5.3.2 As noted above, there is a complex history associated with this listed building and this application for listed building consent seeks, in part, to regularise works previously undertaken. As the Council's Conservation Officer, I have previously visited the site four times: the first being on 2 April 2014 pursuant to ref: 14/02684/1PRE, then two visits on 7 January 2016 & 30 September 2016 respectively pursuant to ref: 16/02129/1LB, then again on 06/08/2020 in relation to the current application. I did not undertake further site visits in relation to appns: 17/01524/1LB or 19/00342/LBC.
- 5.3.3 Before commenting further on the current application, I note the appeal decision under application ref. 16/02113/1 in relation to the 'change of use of the premises from public house (Use Class A4) to a single dwelling (Use class C3)' which was dismissed following an Inquiry held on 6, 7 & 8 November 2018.
- 5.3.4 The intention here, is to concentrate on the following paragraphs of the Inspector's appeal decision under the subheading entitled 'Effect on the significance of the Listed Building and the Reed Conservation Area'.
- 5.3.5 At paragraph 34 of the Inspector's Decision, the Inspector states that:

***"..... it is important to consider whether the adverse impact seriously affects a key element of its special architectural or historic interest. I recognise that the 'community value' of the public house use is an essential part of its significance, however, this needs to be considered***

***in the round and not as a special aspect of greater significance than the other historic and architectural aspects. It is generally agreed that the change of use will not affect the architecture and setting of The Cabinet bearing in mind that the applications for the alternations [sic] to the internal fabric of the building are not before me.***

5.3.6 At paragraph 35, the Inspector states that:

***“..... the change of use would harm the significance of The Cabinet as a listed building but this harm amounts to ‘less than substantial harm’. The test set out in paragraph 196 of the NPPF therefore applies so that the harm is weighed against the public benefits in respect of both the heritage asset of the Listed Building and the Reed Conservation Area.”***

5.3.7 Next, at paragraph 36, the Inspector recognises that:

***“..... the conversion of The Cabinet to a house has resulted in the repair of the building which is a public benefit given that the evidence shows that the fabric of the building deteriorated when closed. However, I have concluded in part under the first issue that the Cabinet could be viable as a public house. This represents the optimum viable use. Therefore, the reinstatement of this would secure its significance as a local heritage asset.”***

5.3.8 At paragraph 37, the Inspector concludes that overall:

***“.... the less than substantial harm to the Listed Building and significance of the Conservation Area that the proposal would cause is not outweighed by the public benefits put forward. As the proposal would not secure the conservation and preservation of the heritage asset in the long term the proposal would conflict with Policy HE1(a) of the emerging new LP.”***

5.3.9 On 6 September 2017, under application ref:17/01524/1LB, I received a 51-point itemised list entitled ‘Schedule of Works at The Cabinet PH, High Street, Reed, Herts RG8 8AH compiled by Dale Ingram September 2017 from application documents, research and photographs supplied by North Herts District Council’. Dale Ingram’s email states the following:

***“.....The colour code is: Orange- works which have been undertaken for which listed building consent would normally be required but for which none has been sought by the applicant. Pink: works for which listed buildings consent has been applied for under 16/02129/1LB. Blue: works for which consent has been sought under 17/01524/1LB. White: observations.***

*In answer to your various points:*

*a. Section 16 of the Listed Buildings Act is the correct reference.*

*b. I do indeed mean 17/01524/1LB*

*c. The Framework, Inspectorate decisions and caselaw referred to make it clear that the applicant must (this is mandatory) describe the significance of the heritage asset;*

*[include] detail [which] should be proportionate to the assets' importance*

*[and be] sufficient to understand the impact of the proposal(s) on their significance*

*[in pursuance of which aims] as a minimum the relevant Historic Environment Record should be consulted [AND]*

*the assets assessed using appropriate expertise where necessary*

*The applicant has done none of these things. The Framework requires it and your own Applications Matrix requires it. The number and scale of harmful works undertaken to the*

*building to date must surely require a punctilious approach to the application of these basic requirements. You are within your powers to turn it away as insufficiently detailed, more especially given the very considerable works we have identified but for which the applicant has not sought consent.*

*I have given advice to my clients that, in light of the findings of the Judges in the Planning Court on this very particular point (all judgments previously provided) I have every confidence that they would likewise prevail, with a full award of costs, and that consequently they have little, if anything to fear from bringing a Judicial Review. On that basis, your suggestion that this application be deferred to be determined alongside the first application for Listed Building consent (pending the outcome of the appeal against the 20th July refusal to grant planning permission for the change of use) is a good and useful one and we commend it.*

*In any case, the works are required to make the building suitable for residential use- for which it presently has no consent. Domestication of the stables building ('games room') is harmful to its character as an agricultural type building, and the loss of historic fabric is always harmful, and while I would concede that it does not constitute 'substantial harm', the continuum of 'less than substantial harm' is a broad church. Where any harm is identified, it has to be balanced against 'public benefit' - and in this instance, there is none. The Committee did not accept that the Cabinet no longer has a viable future as a pub, so that the test of 'optimum viable use' does not engage in listed buildings terms.*

*Your commentary on the Reason For Refusal (16/02113/1) makes an observation that it was solely on community facility policy in the Framework and emerging Local Plan ETC7, and that heritage matters were not cited.*

*As you know very well, when a refusal is considered at appeal, the Inspector will consider the application de novo. Even where there is common ground between the Main Parties that heritage issues played no part in the decision, the Inspector is required to give particular attention to the conservation of heritage assets and is perfectly entitled to weigh this in the balance. I refer you to the findings of the Inspector in Three Tuns last year where an almost exactly similar set of circumstances applied. Having run the argument successfully at appeal on at least eight occasions I would do so again.*

*Your Point 1: it matters not how long ago an alteration affecting a designated heritage asset occurred; indeed you are very aware that unlike development matters considered in the Principal Act ( the 'four year 'and 'ten year' rules), there is no 'statute of limitations' on Listed Buildings breaches. It is unfortunate that the applicant did not commission a listed building & planning healthcheck before buying to ensure he did not find himself in the present position, but it would appear that he did not. He is still responsible for the conservation of the building. I will not burden you with them, but there are (yesterday) 119 Inspectorate decisions relating to harmful works being undertaken by a previous owner and yet being enforced against a present owner, and many Inspectors remark on this.*

*Your Point 2: Noted, but there is no mention in the applications of works undertaken to either of these elements. You may regard them as like-for-like repair but it would have been encouraging to see evidence of this.*

*Your Point 3: Yes. It's a roof structure that was never designed to have been seen. Coupled with the apparent renewal or relaying of the roof covering evidenced by the modern lining detectable in the photographs sent, there has to be some doubt about the wisdom of sandwiching another damp-impermeable layer onto softwood timbers.*

*Your Point 4: No, a viewing of photographs of that element (previously the Beer Store or Cellar for the pub as I understand), it seems that there are two stable doors indicating a use as stables for a considerable period. Door 2 has been conveniently provided with a ramp for the delivery of casks and kegs by trolley. As a stables there would have been no need for ceilings and plastering, but I do question the loss of the internal face of the elevations and what they were (and indeed what they are now, presumably gypsum plasterboard).*

*This document and its attachments is supplementary to the objection already filed rather than the alternative to it....”*

- 5.3.10 This schedule has not been resubmitted with the current applicant but its content is noted. As I proceed with the following assessment, whilst there is a temptation to comment on each individual item, my focus is upon the most salient matters.
- 5.3.11 Under appn ref:19/00342/LBC and according to a letter dated 20 May 2019 from Mark Cotton (Architecture & Design Services Ltd), that application sought to deal with the following

*Retrospective Works:*

*When the applicant purchased the property in December 2015, the property required urgent repairs to the fabric both in the historic part and in the newer extensions.*

*1. The structural stability of the front wall and roof was compromised at ground and first floor levels. A new stud partition was installed at ground floor level to tie the front wall to the chimney breast. A stud partition was installed at first floor level to tie the wall plates and purlins.*

*2. The above ground soil pipe located in the lounge area but serving the kitchen had been leaking. This had damaged the particle board cladding to the historic stud wall which would have formed the rear wall of the original building. The wastes were removed above ground and the floor made good. The particle board cladding was removed and the original stud work left exposed.*

*3. The staircase, forming part of an earlier extension to the historic building, was clad in plasterboard. This was removed and the staircase refurbished.*

*4. The adjacent stud partition at ground floor level was also removed in part to form new toilet facilities with new stud partitioning;*

*5. New sanitary ware was installed at first floor level. A new soil stack was installed and underground drainage laid to connect to the external soil drainage at the rear of the property.*

*6. The original brick paved floor in the ground floor side room was damaged and irregular. The bricks were lifted and relaid level.*

*7. New kitchen fittings were installed in the kitchen.*

*8. New sanitary ware was installed in the beer cellar which is now used as a games room. The fittings is served by a Saniflo macerator which pumps the waste to the existing waste connection in the utility/laundry.*

*9. The external doorway to the beer cellar has been filled with a frosted glass panel. The original door and frame are retained intact.*

*10. Softwood matchboarding dado panelling was removed from the former dining area and the walls made good with plaster to match the walls generally.*

*11. Level ceilings were removed and insulation was fitted between the rafters over the first floor accommodation and faced with plasterboard and lime render.*

*12. Level ceilings were removed and insulation was fitted between the rafters over the Games Room and faced with plasterboard and lime render.*

*13. The premises have been redecorated completely using conservation paint products.*

*Consent was sought retrospectively for items 1, 2, 4 – 6 and 10 – 13.*

Items 3 & 7 - 9 were to be superseded by the works detailed below which are required to reinstate the former A4 use.

*Additional Works:*

1. Construction of new studwork, including door, around stairs to first floor to create fire separation between residential accommodation and public areas;
2. Conversion of ground floor shower room to form accessible WC to serve public areas;
3. Installation of new doors in existing frames to utility / boiler room and between lounges;
4. Construction of new bar (subject to further Listed Building Consent Applications relating to design and appearance);
5. Sub-division of existing Games Room Shower Room to form 2no public toilets with installation of new sanitaryware, forming of 1no doorway through modern timber studwork partitioning and erection of sub-dividing partition between toilets;
6. Construction of new timber studwork to form kitchen within existing Games Room;
7. Removal of glazed panel within games room and repairs and reinstatement of existing door;
8. Installation of new extract fans as detailed on application drawings;
9. Installation of new kitchen fittings (subject to further Listed Building Consent Applications relating to design and appearance).

5.3.12 I did not provide comment under ref:19/00342/LBC and the case officer provided the following reason for refusal:

***Full details of the proposed internal works for the separation, sound and fire proofing have not been provided. This is contrary to emerging Policy HE1 of the Local Plan 2011 - 203. Furthermore, as the full details of the works cannot be assessed, the works could cause less than substantial harm to the listed building, contrary to paragraph 196 of the NPPF.***

5.3.13 Interestingly, having previously requested a robust justification for the works undertaken, the 'PLANNING AND HERITAGE SUPPORT STATEMENT' with this current application offers little in the way of substance regarding the impact of the works on the significance of the listed building and the conservation area. In fact, at 6.11 the statement is incorrect in saying that "At national level Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, S.66 (2), requires a local planning authority, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Rather than 66(2), it is Section 16(2) which states "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses under which this function is provided".

***A4 internal space***

5.3.14 Whereas in 2003 the ground floor plan was entirely given over to the commercial use with the only exception being the staircase access to the first floor, the current situation is quite different. The residential use (as currently implemented) takes over the

building's late C17 or early C18 historic core and leaves the commercial element located within the mid C20 single-storey section, C19 weatherboarded former cellar and later rear extension. The result of this is that the large portion of the pub is given to accommodation which effectively 'relegates' the pub use to the less historically and architecturally significant parts of the listed building, impairing the building's historic significance overall. The imbalance between the commercial and residential use could also impact upon the pub's future viability but this is not a matter to be considered under the current application.

5.3.15 I note the EHO's response on 16 July 2020 in relation to residential occupancy by staff not associated with Public House:

*"The submitted application form states residential use will be for Market housing however the layout plans indicate two interconnecting doors between the A4 public House use and the C3 residential use. If the future C3 occupants are unrelated to the A4 public house then the connecting doors will need to be removed and sound insulation measures implemented. I note the building is Listed.*

*No information has been submitted to provide details of proposed noise mitigation measures to prevent noise breakout to the C3 use. As no noise assessment has been submitted with the Application it has not been possible to assess the proposal against relevant guidance and standards. Given the proximity of residents it is not possible for me to assess if my concerns about noise impact are surmountable or not and to this end, I would not like to see this application approved until a noise assessment and appropriate noise mitigation measures are suggested. The Applicant can find an appropriately experienced noise consultant via [www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk).*

*I would like to recommend the application be REFUSED on the above grounds".*

5.3.16 It has since been confirmed that

*"The applicant will provide a management input into the day to day operation of the pub/restaurant as a licensee with an interest in a public house elsewhere. There will therefore be a physical and functional link between the accommodation in the retained dwelling and the Class A4 use. The applicant will provide 24/7 surveillance and security for the commercial use".*

5.3.17 Notwithstanding the comment above, there would be a loss of commercial A4 space and the comment from Malcolm Chapman (Pub Protection Team North Herts CAMRA) on 14 July 2020 that the layout provides "little space for local wet led trade" is noted.

5.3.18 As note previously at 5.3.7, the Inspector concluded that the Cabinet could be viable as a public house, that this represents the optimum viable use and its reinstatement would secure its significance as a local heritage asset. There was no suggestion in the Inspector's comments that a partial retention of the pub use as currently shown would represent an optimum viable use. The former bar occupied part of what is now described as the lounge for the dwellinghouse. This space, together with the adjacent private dining area, are key if customers are to experience the significance of this listed building's interior more fully and a more generous allocation of A4 use by including this space would ensure that the residential use is subservient to the A4 use. This, in my opinion, is singularly perhaps the most important consideration. Having said that, it is understood from colleagues that even though taking more of the ground floor area than previously, the residential element remains (in planning terms) an incidental use to the A4 use.

5.3.19 As stated, there would be both a physical and functional link between the accommodation in the retained dwelling and the Class A4 use. The location of the domestic kitchen and the fact that this forms part of an open plan living area for the

residential element (and when also considered alongside the fact that the 2no. internal doors between both uses would only be accessible to the residential use), will limit the extent of and result in the diminution of the A4 use. It is a concern that this may cause the premises to become unviable as currently laid out, thereby diminishing the Cabinet's character in the former use. However, since this matter could not be enforced through a listed building enforcement notice, in that the occupier cannot be compelled to open this space to the public, this concern cannot be sustained as a valid reason for refusal of this listed building consent application.

### ***South elevation to extension***

5.3.20 The single-storey dining room extension granted under appn ref: 03/00331/1LB benefitted from views north, west and south. The latter is pertinent to the existing division of use. The part-glazed doors have since been replaced by weatherboarding and this is shown on the amended plans. Whilst this alteration is not considered to occasion harm to the building's special character it serves to reinforce the intended current residential garden area by ensuring that there is no overlooking from the restaurant. When considered alongside the erection of a fence off the rear of the 2003 extension (currently being considered under application ref: 20/02430/FP) and another fence to the south, the perception is that this is an attempt here to secure a significant private garden curtilage to the residential use.

### ***Kitchen to residential element***

5.3.21 The kitchen serving the residential element was previously located where the bar is now located. It is noted that elements of the previous kitchen have been used in the new location. At present, the location of the domestic kitchen is such that it is not possible (currently) for the pub use to extend into the historic core of the listed with access onto the rear garden from the glazed doors in the outshut. It should also be noted that the kitchen leads to an open plan arrangement at the foot of the stairs. Considering that the former commercial kitchen was located in the far left-hand end of the building, it is worth noting that the kitchen for the residential use would fit into this space (currently shown as a study on plan but used as a bedroom) and would also be isolated from the area of the staircase.

5.3.22 If an internal wall (with door access) is extended across from the corner of the staircase wall to the rear wall (with a slight kink) then the lounge and dining area can become part of the pub use, thereby addressing the current imbalance in ground floor space. This would have an additional advantage of providing additional A4 space (whether that be for covers or as a 'lounge bar' area) and would mean that the south elevation part-glazed in the 2003 extension could be reinstated and customers would have greater access to a larger 'pub garden'.

5.3.23 I appreciate that if the kitchen is relocated and the wall referred to above is erected, that this will result in a small residual area for the dwelling element but would enable the existing rear door in the outshut (currently blocked in behind the kitchen units) to be re-opened and for a small dining area to be provided adjacent to the staircase.

### ***Commercial kitchen***

5.3.24 The C19 weatherboarded building has been internally lined and the principal tie chords and struts encased which, I understand, needed to be done for fire reg purposes. This is considered unobjectionable, particularly if the pub is to provide a food offer. Serving this kitchen is an external stainless-steel flue which has since been included in this application and which was viewed on site on 6 August 2020. At that time, it was of a

horizontal form siting on the store roof behind the kitchen. On the 3 March 2021, photographic confirmation was received that the commercial flue had been modified with a 'swan neck' extension thereby increasing its height and accentuating its incongruous form. On 14 April 2021 amended plans 14120-P001-G and 14120-P002-F were received, the former indicating in elevation that the flue is, in good measure, encased with boarding with the final section of the flue remaining exposed. It is these drawings that are to be considered under this application.

- 5.3.25 Although the flue is not fully on view, thus its form and the extent of metal work is less apparent, it is considered that its 'swan-neck' form and subsequent boxing-in, will still result in a bulky, incongruous rear addition that will occasion harm to the listed building and to the appearance of the conservation area.
- 5.3.26 More recently, on 3 March 2022 (a year to the day after the 'swan neck' was introduced), the Senior Planning Compliance Officer forwarded images to me via WhatsApp of further modifications made to the flue. Although I am aware of the changes that have taken place, my recommendation is based on the scheme received in April 2021 and no plans have been requested or received of the latest changes.

***Conversion of smoking shelter to form store and formation of additional store alongside on site of previous fuel store.***

- 5.3.27 As stated at the front of this report, the C19 weatherboarded part to the far-right hand end was previously the ground floor cellar. On the approved ground floor plan under refs: 03/00331/1LB & 03/00692/1, a log store enclosure is indicated (a two-sided structure with no roof). Sometime after 2003, an open-sided 'smoking area' was erected with a plain tile roof supported off 8no. posts as noted on existing ground floor plan no. 16/001/A/01 under ref:16/02129/1LB. This 'shelter' has now been incorporated as an enclosed single-storey storage area with access off the commercial kitchen and has since been included in this application. The interior has been fully and rather crudely, lined with 'fire board' and does not make a positive contribution to the building's special character and is objectionable.
- 5.3.28 On 24 February 2021, the Clerk to Reed Parish Council forwarded some photos to officers and which related to an email dated 22 February 2021. The text to one of the photos received reads as follows:

*".....We assume your reference to the smoking area relates to what is described in the planning application as a kitchen store. There are in fact two kitchen stores; they are untidy, ramshackle affairs which we consider any reasonable observer would consider incongruous in the context of the setting of a listed building, detracting significantly from its character....."*

The matter of the two smaller stores was raised again by the vice-chair to Reed Parish Council during a recent conversation and the suggestion being that two additional 'storerooms' had been erected adjacent to the rear elevation of the former cellar (the weatherboarded building). There were clearly 2no. white doors serving previous 'enclosures' in this location as noted on Google Maps images captured in 2009. I also took photos in August 2020. From the information available, it would appear that the larger of the two stores (a felt roof structure directly underneath the commercial flue) may well have existed for some time. The smaller store, on the other hand, appears to be a 'cobbled-together' enclosure where the gas cannister were once stored. This did not have a roof or indeed a door in August 2020, This store is include in the latest amended plans.

5.3.29 The above reinforces my opinion that if the enclosed smoking shelter and the two other stores had been replaced by a gabled rear projection this would have consolidated all these elements in one addition and would have provided a means of concealing the mechanical vent in the roof void and would only have been externally visible at the apex. The combination of enclosing the former smoking shelter, the additional smaller store and the erection of flue extraction system, has led to an erosion of the building's external appearance.

### **WC provision**

5.3.30 Turning now to the WC provision, it is noted that a previous scheme would have provided 3no. unisex cubicles (1no. being wheelchair accessible). This was, I understand, considered sufficient for 50 customers (the figure imposed by the licence issued by NHDC). It is noted that in the current layout there is no longer a wheelchair accessible WC provided.

5.3.31 I previously mentioned to the former case officer for this application that the terms of the licence are investigated to see if a single male WC and a single female WC is sufficient i.e. was this a factor when issuing the licence?

5.3.32 In addition, although two mechanical vents are shown on plan and elevation to serve the 2no. WC's these are not currently provided (the WC's are without mechanical ventilation at the present time). It is considered that two vents through the existing external door would be a poor detail and the applicant stated on site at my site visit last August that the mechanical extract can be twinned to a single outlet. An amended drawing has been requested to show this.

### **TV room brick floor**

5.3.33 As stated previously, Mr Newman purchased the property in 2015, prior to which, the LPA was dealing with the following ref: 14/02684/1PRE with the previous owner, Mr Copsey. Following a site meeting on 2 October 2014, I previously stated in an email to the former owner, Mr Copsey that with respect to ceilings "*...plasterboard acceptable with the exception of the central reception room....*", I also went on to say that we discussed "*...Repairs (or if necessary, replacement of the two sections of spine beam at first floor)*" and "*Lift existing 'snug' floor and carry out localised repairs and if necessary damp treatment in the vicinity of the 'snug' fireplace at ground floor*". The installation of a solid floor in the snug was not discussed at that time and by the time of my June and September site visits in 2016 the new floor had been laid.

5.3.34 On 19 July 2019, Mark Cooper (on behalf of Mr Newman) stated that when Mr Newman purchased the property, the flooring was lifted and re-laid over a DPM to preserve the original floor finish. Mr Cooper states that "*.... the concern about damp being dispersed elsewhere is misplaced and demonstrates a lack of technical knowledge about 'damp' as an issue. The DPM simply acts as a barrier between the flooring materials and the soil beneath, keeping the flooring dry – it does not disperse that moisture elsewhere, the ground beneath the DPM remains 'damp'*" This point has previously been strongly contested by Dale Ingram (a view supported at Conservation Forum and by Historic England/SPAB guidance). Consequently, last year, the previous agent Mark Cooper was asked the following:

1. Were the original bricks re-laid i.e. preserved or are they 'modern hard-fired bricks' as stated by Dale?
2. Were the bricks just laid onto a plastic DPM or was the DPM laid in conjunction with a solid cement/screed floor?

3. Does the DPM extend through the base of the perimeter walls i.e. prevent damp rising in the walls or is it simply under the floor?
4. Were DPM's or solid floors introduced elsewhere in the building – if so, these areas need to be identified on plan?

5.3.35 I understand that a polyurethane DPC has been inserted under the re-laid brick floor but has not been extended through the plinth walls below the sole plate to this room. Perhaps somewhat surprisingly, considering the relatively dry summer, there remains evidence of damp low down in the rear wall of this room in what would have originally been the original external rear wall. The construction of this floor is a concern and I have questioned whether moisture is being forced up this wall as the floors either side have an impermeable construction. Having said that the relaying of a brick floor contributes positively to the character of this room. The applicant has previously enquired about remedial chemical damp proof treatment works which I have previously verbally confirmed would not require listed building consent. The key issue remains where is the damp coming from? On 1 February 2021, in an email from the agent it states

*"In response to your queries regarding the brick floor and ceilings our client has commented as follows:*

- A light screed was spread over DPM so that brick floor could be laid flat, preserving the floor.*
- Drainage has been corrected & replaced outside the perimeter walls which has now stopped rising damp on these walls.*
- DPM was not underpinned under the walls. It was always my intention to chemical fill the perimeter wall if the new drainage didn't work.*
- Never laths. Ceilings were plasterboard".*

5.3.36 A new stud partition was installed at ground floor level to tie the front wall to the chimney breast. A stud partition was installed at first floor to tie the wall plates and purlins. These works have resulted in two internal openings being closed off. Closing the ground floor opening severs the link between the brick floored side room and the lounge. Although the applicant has sought to justify these works on structural grounds if the building were to retain its existing use as a pub there is a case to suggest that closing access to this room from what was previously the main bar area, occasions harm to the listed building. However, if the lounge/dining area is secured for the A4 use, then I consider a reasonable and pragmatic response would be to allow the reduced residential use to have one reasonable-sized ground floor room in the historic core and the brick-floor room would provide this. From a customer point of view, if the lounge becomes a 'lounge bar' then the inglenook provides an appropriate 'end' feature to the A4 use. At first floor, there were previously two door entrances into the left-hand bedroom and one of these is retained. Closing off the other door entrance is not considered to harm the building's special character and whilst the shower has been inserted within the closed off door access, the works have been justified in terms of the building's structural stability and is considered acceptable.

#### ***Red and brick pammet floor***

5.3.37 Evidence is available to show the extent of this floor finish which was laid on earth and extended across a significant portion of what is currently the residential lounge. Although some pammets have been lost and the area restricted to the inglenook hearth, I am satisfied that the timber floor in the lounge does not harm the building's special character.

### ***Ceilings throughout.***

- 5.3.38 It is very likely that originally there were lath-and plaster ceilings at ground floor and certainly before the spotlights were inserted. There is no evidence that horizontal ceilings existed at ground floor in the former beer cellar. As far as I am aware there are modern ceilings throughout and the ceiling spotlights appear to have been previously installed before 2014 i.e. before Mr Newman acquired the property. I am unable to confirm as to whether the spotlights have been inserted into lath-and-plaster ceilings or into plaster board ceilings. Either way, it is disappointing that spotlights have been installed but this is not considered to be so harmful as to warrant design changes to the lighting scheme unless there it is considered that there is a potential fire risk.
- 5.3.39 With regard to the first-floor ceilings, although there was clear evidence of a horizontal ceiling construction and previous lath-and-plaster, there was evidence in 2014 that these ceilings had previously been replaced with plaster board. What is unclear is whether the plaster board ceilings were present at the time of listing in 1987. As the previous Mark Cooper has stated *"... the horizontal ceiling structures at first floor level were being removed prior to the applicant purchasing the property in December 2015. From the photographic evidence which we have (included in your email dated 6th July 2017) it would appear that the structures which were removed were predominantly of modern construction rather than historic fabric. The ceilings had been removed prior to our involvement and therefore it is difficult to know for sure whether there were any historic structural elements at ceiling level however the visual evidence on site suggests not ....."*. No action was taken once it was known that the first-floor ceiling construction had been removed.
- 5.3.40 On 6 July 2017, I confirmed to Mr Cochrane (Architecture & Design Services Ltd – Mark Cooper's colleague/predecessor) that *".... The purpose of making this comment regarding the removal of ceilings is that this is an alteration affecting the building's special character, hence, requires listed building consent. This work could then be 'tied in' with the installation of a warm roof i.e. vaulted ceilings. With this in mind, I do not share your view that if no fabric was removed that the installation of the insulation and plaster linings to the vaulted ceilings would not require LBC either. I confirm that a Heritage Statement should be included for the installation of the insulation and plaster lining and removal of first floor ceilings..."*. On 11 July 2017, I confirmed to Mr Cochrane the following *"...Although there is evidence of lath-and-plaster on older joists I cannot recall whether lath-and-plaster ceilings existed or not. It does, however, appear that the ceilings may have been plasterboard. Whilst the removal of plasterboard would not have required LBC the loss of the actual ceiling construction and reverting to vaulted ceilings is an alteration requiring consent"*.
- 5.3.41 At first floor, the ceiling was probably, in my opinion, inserted in the C19 and there was clear evidence of lath-and-plaster having previously been used. The ceiling finishes were removed sometime previously and plasterboard installed (perhaps in conjunction with works undertaken under ref: 89/00028/1LB in the late 1980's or early 1990's). Some ceiling joists are relatively modern and appear to support this case and the principal spine beam in the central room had completely failed by 2014. It is acknowledged that the removal of ceilings at first floor has altered the appearance of the rooms affected and that there has been some loss of earlier fabric. The question is: Has this loss of fabric and the subsequent installation of vaulted plasterboarded ceilings harmed the building's special character to the extent that harm has been occasioned to the listed building?
- 5.3.42 There is no indication provided as to whether the original ceiling construction was 'fit for purpose' but it is most likely that the spine beam in the central room would have

required replacement. There is also some uncertainty as to whether the condition of the previous ceiling joists were 'fit for purpose'. Whilst it may not be considered good conservation practice to install plasterboard into a vernacular C17 or early C18 listed building, there was already evidence of its use at this property and the existing flat ceilings had already been worked on previously. Even if the spine beam and perhaps some of the joists required replacement, the question is whether 'flat' ceilings were still required to maintain the building's special character. If this had been a more formal interior, I would perhaps have said 'yes', however, the vaulted ceilings together with exposing rafters and raised collars, means that the first floor rooms maintain an appearance which is considered complementary to the building's special character and is unobjectionable.

***Front elevation of former beer cellar (weatherboarded section).***

5.3.43 Although a little incongruous in the context of what is described as a 'C19 weatherboarded and slate roofed outbuilding with 2 doors to front', I appreciate that the misted/frosted glass panel ensures privacy. I consider that, on balance, the current proposed alteration is acceptable.

**5.4 Alternative Options**

5.4.1 None applicable.

**5.5 Pre-Commencement Conditions**

5.5.1 None applicable.

**5.6 Conclusion**

5.6.1 Although I visited site on 6 August 2020, these conclusions were drafted during the continuing Covid-19 pandemic. As such, due to government social distancing guidelines, further site visits have not been carried out.

5.6.2 There has been much discussion regarding the use of the building including an appeal dismissed on 10 December 2018 for 'Change of use of the premises from public house (Use Class A4) to a single dwelling (Use class C3)' under ref: 16/02113/1 At paragraph 34 of the Inspector's report he states "It is generally agreed that the change of use will not affect the architecture and setting of The Cabinet bearing in mind that the applications for the alternations (sic) to the internal fabric of the building are not before me". Whilst at paragraph 36 the Inspector wrote "... *I have concluded in part under the first issue that the Cabinet could be viable as a public house. This represents the optimum viable use. Therefore, the reinstatement of this would secure its significance as a local heritage asset*". What is not provided, however, is any commentary that says in broad terms, how much of the ground floor area is reasonably required to secure the optimum viable use as a local heritage asset.

5.6.3 It is the internal and external works to the fabric of the building that are now under consideration. I have considered all the other available information and whilst there are matters such as:

- Use of plasterboard,
- Installation of spotlights,
- The laying of a screed floor with DPC in the proposed TV room,
- No mechanical ventilation provided to the pub WC's

that are a concern, these elements of the scheme are considered insufficient to merit an objection

- 5.6.4 Whilst no objection is raised to moving the commercial kitchen from the far left hand side of the building to the right-hand side and whilst it is understood from my planning colleagues that the level of accommodation sought is considered to be incidental to the commercial use (even though the residential element is significantly greater in floor area), I consider that the loss of accessibility to the paying customer to the central area of the building i.e. what is currently annotated as lounge and dining, adversely affects the special character of this listed building as a historic pub, by removing this historic function/use from this central area. The historic inglenook feature would have been an inviting 'draw' particularly, I suggest in the winter, when perhaps the commercial operation may be less buoyant (apart from Christmas trade). Unless, the two internal door entrances are made available to customers to gain access to this central area, I would have to conclude that this will occasion harm to the significance of this asset by resulting in the diminution of the A4 use and to areas of the building of less intrinsic quality. Although not a matter for this application this does raise the issue as to whether the extent of the restaurant and wet sales area will ultimately cause the premises to become unviable as currently laid out, thereby diminishing the Cabinet's character in the former use. To achieve a more acceptable 'balance', a scheme could broadly work if a wall is introduced that separates the domestic kitchen from what is currently shown as the domestic dining area.
- 5.6.5 Whilst it is accepted that a commercial kitchen requires a commercial flue/mechanical extraction system, it is considered that the metal flue with its 'swan-neck' form and boxing-in will result in a tall, bulky and incongruous rear addition that will occasion harm to the listed building and to the appearance of the conservation area.
- 5.6.6 Finally, it should be acknowledged that two customer WC's do not currently have mechanical ventilation and none is currently proposed.
- 5.6.7 The works as outlined above will harm the listed building's special character and the flue and enclosure of the smoking shelter will also harm the appearance of the Reed Conservation Area. The extent of harm would be 'less than substantial' and whilst retaining an A4 use would have some public benefits, I am not convinced that this will secure its optimum viable use. I, therefore, raise an **OBJECTION** on the basis that the proposal fails to satisfy Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018).

## 6.0 **Recommendation**

6.1 That listed building consent be **REFUSED**.

6.2 In light of my report, I recommend that the Council should now seek to take formal listed building enforcement action against the unauthorised works that have taken place and that form the basis of the reasons for refusal set out below:

1. Reason for refusal:

The far right-hand end of this grade II public house is described as a 'C19 weatherboarded and slate roofed outbuilding with 2 doors to front' and previously formed a cellar on the ground floor. The commercial flue at the rear of this part of the listed building has already been installed. Although it is acknowledged that a commercial flue is necessary for the preparation of food and to assist in providing a viable commercial use, by reason of its height, 'swan-neck' form and boxing-in using timber boarding, the commercial flue would result in a bulky, incongruous addition, thereby harming this building's special character and also occasioning harm to the appearance of the Reed Conservation Area. The extent of harm would be 'less than substantial' and the proposal has not been convincingly justified. Consequently, this aspect of the proposal fails to satisfy Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and further Proposed Modifications (May 2021).

2. Reason for refusal:

The far right-hand end of this grade II public house is described as a 'C19 weatherboarded and slate roofed outbuilding with 2 doors to front' and previously formed a cellar on the ground floor. To the rear of this stood an open-sided smoking shelter (now enclosed) linked to a small store abutting the C19 section. Beyond this small store a further secondary store has been erected where gas cannisters were once stored. By reason of this smaller store's construction/external appearance and the cumulative impact of two poorly detailed stores side-by-side, these are considered to occasion harm to the building's special character. The extent of harm would be 'less than substantial' and a convincing justification has not been provided for these works which have already been implemented. Consequently, this aspect of the proposal fails to satisfy Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Main Modifications November 2018) and further Proposed Modifications (May 2021).

<p>Signed</p>  <p>Simon Ellis</p> <p>Determining Officer</p>	<p>Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF</p>
<p><b>Date:</b> 27 October 2022</p>	