



---

## Appeal Decision

Site visit made on 13 December 2022

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 December 2022**

---

**Appeal Ref: APP/V2723/Y/22/3295106**

**Brough Hall (Middle Portion Roof), Brough Park, Richmond DL10 7PJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Brough Hall Management Company Limited against the decision of Richmondshire District Council.
  - The application Ref: 21/00860/LBC, dated 20 September 2021, was refused by notice dated 12 January 2022.
  - The works proposed are described as 'the installation of a new steel angle bracket within the roof void to support a beam end that has rotted. The angle is to be bolted to the inner face of the front elevation stone wall. Timber degraded by wet rot and associated insect attack to the beam and wall plate will be removed back to reasonably sound timber.'
- 

### Decision

1. The appeal is allowed and listed building consent is granted for the installation of a new steel angle bracket within the roof void to support a beam end that has rotted. The angle is to be bolted to the inner face of the front elevation stone wall. Timber degraded by wet rot and associated insect attack to the beam and wall plate will be removed back to reasonably sound timber, at Brough Hall (Middle Portion Roof), Brough Park, Richmond DL10 7PJ, in accordance with the terms of the application Ref: 21/00860/LBC, dated 20 September 2021, and the plans and information submitted with it (Site Location Plan; Drawing Repair to Beam Bearing-2021-302, C1/SK-1; and supporting information), and subject to the conditions in the schedule attached.

### Preliminary Matters

2. Following the submission of the application, the name of the applicant was amended to Brough Hall Management Company Limited. I have used this name in the heading above.
3. The appeal relates to an application for listed building consent for proposed works. In determining the appeal, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, in line with paragraph 199 of the National Planning Policy Framework 2021 (the Framework), I have given 'great weight' to the asset's conservation.

## **Main Issue**

4. The main issue is whether the proposed works would preserve the Grade I listed building known as Brough Hall, or any features of special architectural or historic interest which it possesses.

## **Reasons**

### *Special interest and significance*

5. The appeal relates to a beam within the roof space of the central section of Brough Hall, a Grade I listed building<sup>1</sup> of exceptional national importance and designated heritage asset of the highest significance. The submitted evidence confirms that the building dates from the 15th century. It was subsequently altered and extended in the late 16th century, early 17th century, 18th century and mid-19th century, with the most recent notable alteration being the building's conversion into 10 residential units around the 1980s. Constructed of rubble, part roughcast and sandstone ashlar, with Westmorland slate roofs, the building stands imposingly within a wider pastoral landscape.
6. I acknowledge that, as highlighted by Historic England and required by the Framework<sup>2</sup>, the Appellant's 'Design and Access Statement Incorporating Heritage Statement', does not provide a description of the significance of the heritage asset affected. Nonetheless, I am mindful that this omission is not raised in the Council's delegated report and it is not included in the reason for refusal.
7. From the evidence available to me, I consider that the special interest and significance of Brough Hall to be largely derived from its architectural and historic interests. Important contributors in these regards, which are pertinent to the appeal, are the building's grand architectural style and polite composition, with each phase of the building's development contributing to its narrative; and its surviving historic fabric, including its traditional construction and materials as well as internal features of interest, such as 16th century panelling, friezes and modillion cornices, along with 16th century ribbed ceilings and other richly decorated plasterwork.

### *Appeal proposal and effects*

8. The proposal involves the installation of a new steel angle bracket to support a beam end which has rotted. Temporary support would be provided to the beam during the proposed works and the rotten timber would be removed back to reasonably sound timber. The bracket would be fixed by four bolts embedded into the inner face of the front elevation stone wall.
9. I recognise that the proposed works would result in the loss of some historic fabric in the removal of rotten timber. Moreover, they would involve an unequivocally modern intervention into the Grade I listed building, using an approach and material which, of themselves, do not directly accord with established conservation-led principles and approaches concerning the repair of historic buildings.
10. It is on this basis that Historic England have objected to the proposed works, stating that a more traditional, sensitive and thus appropriate approach would

---

<sup>1</sup> List Entry Number: 1318301.

<sup>2</sup> Paragraph 194, National Planning Policy Framework.

be to 'replace the rotten wall plate and scarf the rotten beam with new hardwood.' In their opinion, this would 'better reflect the historical building techniques and materials of Brough Hall.'<sup>3</sup>

11. I fully endorse the application of conservation-led principles and approaches in determining suitable repair techniques to ensure that heritage assets are conserved in a manner appropriate to their significance. However, I consider that the specific circumstances and broader context of the beam within the listed building, combined with the very limited level of disturbance, loss and intervention planned, provide justification for the proposed approach and works.
12. With regard to the above, the amount of historic fabric lost as part of the proposed works would, in all probability, be less than that which would be removed in undertaking a comprehensive traditional repair, such as that suggested by Historic England.
13. Furthermore, I note that the structural engineer who assessed the beam considers it to have 'nominal, if any, tying function'<sup>4</sup>, an assertion which I have no reason to question. This considerably moderates the necessity on structural grounds to require the application of a comprehensive approach to the repair of the beam and lessens concerns that the proposed works may unintentionally cause other future structural issues for Brough Hall.
14. Also, the beam spans an area above a bedroom, landing/hallway and bathroom of a second-floor apartment. My site visit confirmed the beam's concealed and difficult to access position. Notably, I also observed what appeared to be surviving sections of a historic decorative plasterwork ceiling and frieze in the landing/hallway and extant sections of frieze in the roof space. These are features of special architectural and historic interest that could reasonably be judged to make a greater contribution to the building's heritage merit than the beam.
15. The level of intervention that would be required to undertake a comprehensive traditional repair of the beam would be considerable, including propping from the underside and potentially external access. Bearing the above in mind, as well as being practically challenging, this would have the potential to damage and/or cause the loss of, in part, the historic decorative plasterwork ceiling and friezes, and in doing so dilute the building's special interest.
16. In determining the appeal I have given due regard and weight to the objection by Historic England. However, taking all of the above into account, I consider that the proposed works are a proportionate response and pragmatic solution to manage the risk to the building and its occupiers which the rotten beam currently presents.
17. Furthermore, while I acknowledge that the proposed works would result in a degree of change to an element of the asset which contributes to its significance, given the minimal extent, honest nature and specific circumstances and context of the intervention, I am satisfied that the inherent special architectural and historic interests of Brough Hall as a Grade I listed building would be preserved. Consequently, its significance as a designated heritage asset would not be harmed.

---

<sup>3</sup> Historic England, letter dated 22 October 2021.

<sup>4</sup> Victoria Design Group Ltd, letter dated 4 November 2021.

18. I note that in its appeal statement the Council submits that the proposed works would result in 'substantial harm' to the building's significance, although the reasons for reaching this view are not clarified. A finding of substantial harm is a high test, where the identified significance of the designated heritage asset is either vitiated altogether or very much reduced.
19. Even if I had found that the proposed works would not preserve the special interest of the listed building and would cause harm to its significance, given their extent and nature, I consider that any harm would be, at worst, less than substantial. Moreover, that this harm would be clearly justified and outweighed by the heritage and public benefits of reducing or removing a risk to this important designated heritage asset<sup>5</sup>.
20. Drawing all of the above together, I conclude that the proposed works would preserve the Grade I listed building known as Brough Hall, or any features of special architectural or historic interest which it possesses. In doing so it would satisfy the requirements of section 16(2) of the Act.
21. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan, although relevant provisions can nevertheless be material considerations. In this regard, I note that the proposed works would not conflict with Policies CP12 and CP13 of the Richmondshire Local Plan Core Strategy 2012-2028 (2014) in so far as they seek to conserve and, where appropriate, enhance those elements which contribute to the significance of the heritage assets across the Plan area; and promote high quality design which respects and enhances the local context and its special qualities, including the historic environment. It would also accord with the provisions within the Framework which seek to conserve and enhance the historic environment.

### **Conditions**

22. The Council has set out suggested conditions were the appeal to be allowed. I have considered these in light of the relevant section of the Act. I have revised the wording of two conditions to ensure the detail of the works are established prior to them being carried out. The Appellant has provided written agreement to the pre-commencement conditions.
23. A standard time commencement condition is necessary. In the interests of preserving the special interest and significance of the listed building, conditions requiring the submission of a method statement along with details and samples of materials and a photographic record of the works are necessary.

### **Conclusion**

24. For the reasons given and subject to conditions, I conclude that the appeal should be allowed.

*F Cullen*

INSPECTOR

---

<sup>5</sup> Planning Practice Guidance: Historic Environment. Paragraph: 020 Reference ID: 18a-020-20190723.

**Appeal Ref: APP/V2723/Y/22/3295106**

**Schedule of Conditions**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to commencing works, details of proposed works in the form of a method statement should be submitted to and approved in writing by the Local Planning Authority. This should include details of: extent of timber to be removed; temporary support to beam; tools to be used; and hours of work. Works shall be carried out in accordance with the approved details.
- 3) No works shall take place until detailed dimensions and samples of the materials to be used in the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
- 4) Works should be recorded by photograph and submitted to the Local Planning Authority as a record, on completion of works.

**End of Schedule of Conditions**