



Appeal Decision

Hearing 15 February 2023

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/Q2371/F/22/3296097

Punch Bowl Inn, Longridge Road, Hurst Green BB7 9QW

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Andrew Donelan of Donelan Trading Limited against a listed building enforcement notice issued by Ribble Valley Borough Council.
 - The enforcement notice was issued on 1 March 2022.
 - The contravention of listed building control alleged in the notice is the demolition of the Building.
 - The requirements of the notice are to restore the building to its former state, as detailed in the attached existing elevation drawings and in the location shown on the attached location plan.
 - The period for compliance with the requirements is 12 calendar months.
 - The appeal is made on the grounds set out in section 39(1) (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Summary of Decision

1. The appeal is dismissed and the listed building enforcement notice (LBEN) is upheld with variations.

Application for Costs

2. There is an application for costs made by Ribble Valley Borough Council against Mr Andrew Donelan of Donelan Trading Limited. This application is the subject of a separate Decision.

Grounds of Appeal

3. The appeal was originally made on grounds (d), (g) and (j). Following the decision of the District Judge at the Magistrate's Court where the appellant and his co-defendants were found guilty in the prosecution to the matter of the demolition of the Punch Bowl Inn, the appellant confirmed at the Hearing that he is no longer pursuing an appeal on ground (d).
4. Furthermore, grounds (g) and (j) are mutually exclusive and cannot be pleaded in relation to the same requirement within a LBEN. A Notice issued under section 38(2)(a) of the LBCA seeks restoration of the building to its former state. In this case, the LBEN clearly seeks such restoration of the building to its former state. Ground (g) claims that the requirements of the Notice exceed what is necessary to achieve this and can, therefore, only apply when restoration is required.
5. However, a Notice issued under section 38(2)(b) requires alleviation of the effect of the works and this corresponds to ground (j) which can only apply to

such requirements. Since the LBEN requires restoration rather than alleviation, ground (j) cannot be pursued in this case.

6. Consequently, the only remaining ground of appeal is ground (g).

The Enforcement Notice

7. The appellant argues that the LBEN requires restoration of the external elevations of the building due to the wording of the requirements set out in paragraph 5. The requirement is to "*restore the building to its former state, as detailed in the attached existing elevation drawings and in the location shown on the attached location plan*". His concerns were raised for the first time at the Hearing and there is no reference to his concerns in written evidence. The requirement may only refer to the existing elevation drawings, but the plans attached to the LBEN also include Ground Floor Plan as Existing and First Floor Plan As Existing and those plans match with the Rear Elevation as Existing, Side Elevations as Existing and Front Elevation as Existing drawings. I see no reason why the floor plans would be attached if the requirement excluded them.
8. The appellant also contends that the actual listing description focuses on the external appearance of the building and therefore the intended focus of the LBEN is external rather than internal features and layout. The listing description is a useful starting point for identifying a building but it should not be relied upon as a definitive description of features that are present. This is because the listing description is primarily for identification purposes only. As such, I find that the lack of reference to detailed internal arrangements and floor plans in the listing description is of little consequence in addressing the appellant's argument.
9. There is nothing in the LBEN that indicates that the requirement is for restoration of the external only, but it is very clear to me that the overall purpose set out in paragraph 5 is to "restore the Building to its former state". To undertake such a requirement without restoring the internal arrangements would not achieve its purpose.
10. Therefore, I conclude that the reasonable interpretation of the requirement of the LBEN is to restore the building to its former state; meaning, in my judgement, the external appearance and internal arrangements and floor plans in accordance with the drawings attached to the Notice.
11. Because I have concluded that the LBEN requirements are clear, there is no need to add any further requirements relating to what needs to be restored.

Site and Surroundings

12. The appeal relates to the former Punch Bowl Inn which is a Grade II Listed Building located in the open countryside and directly adjacent to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty. The Inn has been vacant for several years. Before it was demolished, the building comprised a pitched roof section with a smaller section towards the eastern end which incorporated a hipped roof. The front elevation of the building faced directly onto the adjacent highway and was built of natural stone. The side and rear elevations had rendered finishes.

13. The listing describes the building as '*A public house with 1793 R E plaque above the door with mid-nineteenth century addition to the east. Possibly originally a pair of cottages with a barn to the west now converted to form part of the pub*'. Features of particular historic and architectural interest included the external watershot sandstone, eighteenth century proportions and the arrangement of fenestration. However, the overall composition of the building as a whole demonstrated wider cultural and social value and interest.

The appeal on ground (g)

14. The ground of appeal is that the requirements of the Notice exceed what is necessary for restoring the building to its condition before the works were carried out. In advance of the Hearing the only evidence specific to ground (g) was the comment on the appeal form that it was impossible to restore the building due to health and safety/planning reasons.
15. The arguments presented at the Hearing relate to the appellant's argument that it is not possible to restore the building because according to him, during the demolition process "all the materials were destroyed and could not be reused". Clearly, this is incorrect because at my site inspection I observed very large piles of stonework from the demolition on site. Some of this material may have been compromised through the careless demolition process, but there is insufficient evidence before me to conclude that this is actually the case. The material has not been destroyed and some of it could be reused in the required restoration of the building. The photographic evidence to which my attention has been drawn is of little assistance in informing me of the extent of reusable material on site.
16. In any case, an appeal on ground (g) is that the requirements of the Notice exceed what is necessary to restore the building to its condition before the demolition took place. The appearance of the building before demolition is clear from the drawings attached to the LBEN and the requirements go no further than to require the restoration of the building to "its former state".
17. As the requirements are not excessive and do not require any betterment to the building's previously authorised state, the appeal on ground (g) does not succeed.
18. In a case such as this where some of the material may not be capable of re-use in restoration, variations can be made to the requirements of the LBEN to ensure that the restoration of the building to its former state is carried out to the required standard. At the Hearing it was agreed by both main parties that if the appeal on ground (g) does not succeed, a condition relating to the carrying out of a survey of on-site materials from the demolished building should be carried out to identify which materials are capable of being reused in restoration. In addition, details of alternative materials to be used where the reuse of on-site materials is not possible, shall be agreed with the Council and, finally, the building shall be restored using materials from the original building so far as is possible.

Formal Decision

19. I direct that the LBEN shall be varied by the addition of the following words after the words "Restore the building to its former state, as detailed in the

attached existing elevation drawings and in the location shown on the attached plan” in paragraph 5:

“subject to the following conditions:

1. Prior to the commencement of the restoration of the building a survey of the on-site materials from the demolished building shall be carried out, which identifies which materials are capable of re-use in the restoration of the building. The results of that survey shall be submitted to and approved in writing by the local planning authority prior to any above ground restoration works commencing. The details shall include information on the safe storage of the materials capable of re-use until they are re-used in the restoration of the building.
2. Prior to carrying out any above ground works, details of alternative materials to be used, where re-use of on-site materials is not possible, shall be submitted to and approved in writing by the local planning authority prior to any above ground restoration works commencing.
3. The building shall be restored using materials from the original building so far as is possible in accordance with the results of the survey carried out under condition 1. Where re-use is not possible the building shall be restored using appropriate alternative materials approved under condition 2.”

20. Subject to these variations the appeal is dismissed and the listed building enforcement notice is upheld.

A A Phillips

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Andrew Donelan

Nicola Donelan

Phillipa Curtis

Richard Bramley

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