



Appeal Decision

Site visit made on 9 March 2026

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/J1915/W/25/3370283

12 Crib Street, Ware, Hertfordshire SG12 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Richard Adams against East Herts Council.
 - The application reference is 3/25/0398/FUL.
 - The development proposed is change of use from public house to two dwellings, including repair and restoration of existing structure, removal of pitched slate roof over part of modern rear extension. Demolition of modern kitchen chimney, single storey extension to kitchen/lavatory building, redecking of existing flat roof over existing kitchen/lavatory area, new rear door opening, new rear ground floor, first floor and roof window openings, replacement front windows and doors, removal of garden shed and external gates and installation of new fencing and external gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading is taken from the application form. However, the plans and information show that the proposed development encompasses Nos 12 and 14 Crib Street, and I have considered the appeal on this basis.
3. The Council sought agreement to change the description of the development. However, there is no evidence to indicate this change was agreed. Therefore, the description in the banner heading reflects the proposal as it was described on the application form. In assessing the proposal, I have also had regard to the details of the scheme as it is shown on the submitted plans.
4. The appeal was submitted due to the failure of the Council to determine the application within the prescribed time period. The Council has stated that, had it determined the application, it would have refused planning permission for the development. The main issues I have identified are based on the evidence before me, including the suggested reasons for refusal put forward by the Council.
5. The parties recognise that listed building consent (LBC) would be required for works to the appeal building, although no such consent is sought as part of this appeal. Given my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had regard to the associated works insofar as they are relevant to my consideration of the effects of the proposal on the listed building.
6. As the site is located in the Ware Conservation Area (WCA), I have also had regard to section 72(1) of the Act.

Main Issues

7. The main issues are:

- whether or not the proposed change of use is justified, having regard to development plan policies for community facilities; and
- Whether the proposal would preserve the Grade II listed building known as The Albion Public House¹, its setting, and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the WCA and the setting of nearby listed buildings.

Reasons

Whether the change of use is justified

8. Other than in circumstances that do not apply to this proposal, Policy CFLR8 of the East Herts District Plan (October 2018) (LP) resists developments that would result in the loss of uses, buildings or land for public or community use unless an assessment has been undertaken that clearly shows that the facility is no longer needed in its current form. The policy does not prescribe the way in which the ongoing need for a community use or building, or lack thereof, should be assessed. However, the accompanying text to the policy says that evidence is required to show the facility is no longer viable and explains the options that have been investigated to maintain the service.
9. The Albion ceased trading around December 2020, and it has therefore been closed for over five years. There is no substantive information before me to demonstrate the former turnover of the business or the likely financial prospects should the pub re-open. Therefore, it cannot be ruled out that a viable business could be generated at this site, particularly given the lack of evidence demonstrating that the appellant has actively explored ways in which the pub business or the building could be altered to attract new customers.
10. However, the evidence shows that the building was marketed as a public house for a period of well over a year from late 2019, with no suggestion that interest was forthcoming from prospective pub operators prior to its purchase by the appellant in March 2021. This indicates that the pub lacked appeal as a viable pub business over the duration of its marketing, and there is nothing before me to suggest that the marketing exercise was deficient in its method or scope. Neither is there evidence to indicate there has been a change in circumstances that would lead to a different outcome if the pub was re-advertised.
11. The bar area in its current form has limited capacity for customers and there is no direct access to the garden for patrons, which would be likely to reduce its attractiveness as an outdoor socialising venue. Moreover, there are many other public houses in Ware that would compete with The Albion for trade, including those nearby on the commercially vibrant High Street where there is a much better opportunity to attract passing trade. The condition of parts of the building has deteriorated such that there is a need for repairs and refurbishment, necessitating an upfront financial investment. These factors, along with the marketing history,

¹ List entry number 1222116

indicate that there would be challenges to profit generation at the pub that would significantly reduce the likelihood of it being re-opened in the foreseeable future.

12. The National Planning Policy Framework (the Framework) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In this case, there are a range of other services and facilities to meet the needs of the community in Ware, including many public houses within walking distance of the appeal site, which offer a choice of venues for socialising, dining, and drinking. Given this context, there is a lack of justification for retaining the appeal building as a public house based on need, which is the relevant requirement of Policy CFLR8 of the LP.
13. Taking all of the above into account, I find it has been satisfactorily demonstrated that The Albion is no longer needed to serve the community and, therefore, the change of use proposed is justified. It follows that there would be no conflict with Policy CFLR8 of the LP insofar as it seeks the retention of community facilities for which there is an ongoing need.

Designated heritage assets

14. The Albion is a timber-framed structure which, according to the list entry, was once a house. The list entry suggests that the building dates from the 15th Century, with later alterations in the 17th and 20th Centuries. However, the appellant cites evidence from the inventory of the Historic Monuments in Hertfordshire and other unnamed authorities, which indicate the building has later origins, possibly in the late 16th or early 17th Centuries. The list entry says that the building was first recorded as an alehouse in 1845, and it has most recently been used as a public house with residential accommodation above until it ceased trading in 2020.
15. From my observations, the building is visually and functionally divided into two connected parts. No 12 is a two-bay structure with a distinctive street-facing elevation, owing to the jettied first floor over brick, the exposed beams, studs and bracings, the leaded lattice glazing to the casement windows, and the heavy-weight recessed door which, according to the list entry, dates from the early 20th Century. No 12 has been significantly altered to the rear, with a modern flat-roofed kitchen extension and a tall, modern flue that rises well above the eaves of the old roof and is attached to the historic fabric. There is also a smaller, slate-roofed lean-to extension, which the Council considers to date from the 19th Century.
16. The list entry says that No 14, historically used as a store, may have originally been of a different build but it now forms a cross-wing to No 12. No 14 has a narrower frontage than the main pub building and its timber frame is concealed from public view behind the plastered exterior. The frontage of No 14 also has a central wooden doorway and boarded over windows. To the rear, the cross-wing has a projecting gable with a further boarded over window. Nos 12 and 14 share a continuous old red tiled roof with central stack. The list entry and the plans suggest that the roof was extended across No 14, probably in the 17th Century, and that this part of the roof was previously of gable form.
17. No 14 does not appear to have been in any active use for some time; and this is indicated by the boarded over windows and its poor internal condition. The appellant refers to the timber frame as distressed and showing evidence of rot, with some settlement occurring due to water ingress, and the ground floor fireplace

is referred to as requiring extensive rebuilding. No 12, however, is stated to be in sound condition and it is characterised by exposed beams and other internal features which reflect its age and its evolution over time.

18. The listed building has clearly been subject to change over its lifetime; and the more recent additions, notably the rear kitchen extension and the modern flue have altered its form, proportions and appearance in a way that detracts from its special architectural and historic interest. Nonetheless, the gabled projection remains a prominent feature at the back of the property. The old roof, which extends over both Nos 12 and 14, also remains apparent and, other than where the flue is attached at eaves level, is uninterrupted.
19. The Albion is sited within the historic core of Ware, which is the designated area for the WCA. The area contains a high concentration of historic buildings including the appeal property, and the Grade II listed 1 and 3 Crib Street² and Numbers 1-8 St Mary's Almshouses³ which lie on Crib Street opposite the appeal building. Insofar as it is relevant to this appeal, the WCA derives its significance, in part, from its rich mix of old buildings and spaces which reveal information about the evolution of Ware over a long period of time, as is described in The Ware Conservation Area Appraisal and Management Plan (Adopted July 2016).
20. 1 and 3 Crib Street, thought to originate from the 16th Century, is described in the list entry as a two-storey timber-framed building with continuous jetty and bay windows. The list entry also notes there is conjecture that Nos 1 and 3 might once have housed the steward associated with the nearby Manor House, itself a Grade II* listed building⁴. The Almshouses, which has two wings that turn the corner between Church Street and Crib Street, is red-brick with stucco plinth, quoins, and window surrounds and is thought to date from 1861, replacing 17th Century buildings. From the limited information that is before me, I find the special interest of these buildings lies in their age, construction, historic uses, and their siting within the historic settlement. The Almshouses also gain some significance from its past association with charitable purposes.
21. As a historic building on a public street within the town's traditional core, the appeal property contributes positively to the significance of the WCA and to the settings of 1 and 3 Crib Street and the Almshouses.
22. Based on the evidence that is before me, and with regard to its relevance to this appeal, the significance of The Albion is derived in part from its age and its construction, which provide evidence of development and building methods at the time in which the building originated and has since evolved. The property also has communal value due to its long-standing use as a public house. Significance is also gained from the building's setting within the WCA, which enables its association with the growth of the settlement to be experienced and understood.
23. Omega Court has a relatively modern, domestic character owing to the residential properties and the car parking area that has established here. Whilst views of the back of The Albion are partially concealed by fencing, it is from Omega Court that the gable form of the cross wing and the rear roof slope can be observed and

² List entry number 1274816

³ List entry number 1222195

⁴ List entry number 1221873

appreciated from within the building's setting. Therefore, Omega Court contributes to the significance of the building albeit to a modest degree.

24. There are other listed buildings in proximity to the appeal site, including the Grade II* listed Manor House and the Grade I listed Church of St Mary⁵, each of which gain some significance from their age, architecture, and historical status. There is limited intervisibility between these listed buildings and The Albion due to the orientation of the street and intervening structures. Consequently, whilst the appeal site lies within the setting of these buildings, it does not contribute to their significance insofar as it is relevant to this appeal.

Effects of the proposal

25. The Council does not identify heritage harm relating to the proposed residential use of the building given it was traditionally thought to have been occupied as a house. Moreover, because Nos 12 and 14 are experienced as two functionally discrete parts of the listed structure, no harm would arise from the creation of two dwellings here as a matter of principle.
26. However, the plans submitted for approval and the associated documents show that the creation of two dwellings would require alterations to the building that, cumulatively, would be significant and wide-ranging comprising, amongst other things, an extension, alterations to the windows and doors, the rebuilding and raising of part of the foundations, the reinstatement of a party wall, and changes to the room partitions, floor levels, and staircases. Issues relating to the internal alterations to the property would be properly considered as part of a separate LBC application and, therefore, I do not consider them in detail here. Nonetheless, due to my duties under the Act, I must necessarily be certain about the effects of the proposed change of use on this historically important property.
27. Paragraph 207 of the Framework states that, in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Whilst the Framework states that 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, it goes on to say that, as a minimum, the historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
28. The appellant clearly has a deep knowledge of the building and is intent on bringing it back into use to safeguard the heritage asset in the longer term. However, the submitted Heritage Statement (HS) is very short, lacking in detail, and there is no definitive evidence to indicate that it was prepared by a suitably qualified or experienced specialist with the relevant professional expertise. Moreover, there are some inconsistencies in the HS, including statements to the effect that no extensions are proposed and that only minor alterations would occur internally through the removal of floorboards. The HS also states that there would be no foundation works necessary. These statements do not align with the plans and other information provided, which show more extensive alterations to the property are proposed. It follows that there is a high degree of uncertainty as to the methodology used in the HS and the reliability of its conclusions.

⁵ List entry number 1217410

29. Furthermore, whilst there is reference in the evidence to structural investigations having been carried out, there are no technical or authoritative reports before me to corroborate the more generalised and descriptive statements made in respect of the building's condition, and the necessity and effect of the works that are proposed to make the building habitable. Specifically, whilst some photographs are provided, there is insufficient information to demonstrate the age and condition of much of the fabric that would be affected, nor is there detailed and reasoned analysis that sets out the relevance of the form and proportions of the internal spaces to the significance of the listed asset. Additionally, the evidence does not provide the necessary assurance that the changes to the floor and plinth levels in No 14 would safeguard the historic fabric from issues relating to water ingress.
30. I have had regard to whether this information could be sought through a condition. However, in the absence of sufficient, authoritative information at this stage, I am unable to form a full and thorough assessment as to the effects of the proposed change of use on the listed building. Consequently, I am unable to conclude that two dwellings could be provided here in a way that would safeguard the listed building and its features of special architectural and historic interest. Moreover, it would not be necessary to secure an LBC application through a condition, as this would be a requirement of legislation.
31. The reinstatement of the boarded over windows would have the potential to restore some integrity to the listed structure and to enhance its visual appeal when observed from the street. However, windows can have a profound effect on historic buildings and their external appearance and, therefore, in assessing the effects of the alterations on the listed building, consideration must be given to the detailed design. In that regard, there is a shortage of information about the historic design and appearance of the boarded over windows; and there is ambiguity in the annotations on the plans submitted for approval as to whether the front ground floor windows on No 14 would be repaired or refitted.
32. Furthermore, whilst there are brief descriptions in the evidence about the proposed new windows, there is a lack of detailed information about the proposed joinery and window design, which leads to uncertainty as to the dimensions, profile, glazing pattern, and appearance of the new windows. Without this information before me at this stage, I am unable to make a reasoned assessment as to the effects of the proposed alterations to the windows.
33. There would be a loss of historic fabric through the addition of the roof light, which would interrupt the otherwise largely unbroken roof slope, as well as the new rear window within the gable end of No 14. These elements of the scheme would, therefore, be harmful to the integrity of the listed building. Moreover, there is little information before me about the origins and condition of the existing doors to No 14 and, therefore, I am unable to conclude with the necessary degree of certainty that the replacement of those doors would be necessary and sympathetic to the historic structure.
34. The proposed rear extension would be reasonably modest in size and its interaction with the modern flat-roofed addition indicates that it would preserve the oldest fabric in this building. The removal of the flue and the replacement of the existing flat roof would improve the appearance of this part of the building whilst also providing the opportunity to repair and restore the historic fabric to which the flue is attached. However, there is very little information before me about the

existing lean-to, which the Council says is of 19th Century origin and, therefore, of some historic value. In the absence of substantive evidence to the contrary, the removal of the slate roof would further the loss of old fabric and it would impede the opportunity to experience and understand this phase in the building's evolution.

35. Whilst the subdivision of the garden would necessitate additional boundary treatments, this would be observed in context with the existing fencing that demarcates the rear of the site, and it would reflect the long-established functional separation between Nos 12 and 14. The existing shed is a contemporary feature and there would be no heritage implications arising through its removal. Therefore, these elements of the scheme would not cause harm.
36. Overall, and notwithstanding my concerns about the lack of detail in relation to the windows and doors, the proposed changes to the front elevation would be small-scale and would be set against the improvements to the appearance of the building that would be achieved through the removal of the window boarding. Consequently, I find that the character and appearance of the WCA and the settings of 1 and 3 Crib Street and the Almshouses would be preserved.
37. However, taking all of the above into account and with regard to my duties under the Act, I conclude that the scheme would fail to preserve the Grade II listed building known as The Albion Public House and its features of special architectural and historic interest. The harm that would be caused to the listed building would be less than substantial in the context of the Framework. The degree of harm would be mid-high degree given the direct interventions proposed to the structure and fabric, and the uncertainty over the impacts of the scheme.
38. I ascribe great weight to the conservation of the listed building as I am required to by the Framework. The Framework states that any harm to the significance of a designated heritage asset requires clear and convincing justification; and that the less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Heritage Balance

39. Parts of the listed building are in a state of disrepair and, because I have found there is little prospect of the public house reopening, its condition would be likely to deteriorate in the longer term without intervention. In this context, there would clearly be weighty heritage and public benefits arising from the proposal insofar as it would bring the building back into a viable use. Further significant public and heritage benefits would arise from the proposed repair and restoration to the building, which would be particularly extensive in relation to No 14, as well as the removal of the window boarding and the unsightly modern flue. The appearance of the existing modern extension at the rear of the property would be improved, adding further benefit to the scheme.
40. There would be other benefits arising from the scheme which are also public benefits. In particular, the addition of a new dwelling would add to local housing needs in an area where there is known to be a shortfall in the five-year housing land supply. Economic benefits would be forthcoming due to the creation of employment for the building trade and through the construction supply chain.
41. Cumulatively, the public benefits in this case carry significant positive weight.

42. It is commendable that the appellant wishes to invest in this building, to repair and restore it, and to prevent its further deterioration including through the resolution of issues related to water ingress. However, given the lack of authoritative evidence to the contrary, there is no guarantee that the proposal would solve damp issues and it could in fact exacerbate them. Therefore, the potential benefits to the longevity of the listed building in this regard cannot be guaranteed.
43. Moreover, there are harmful elements of the scheme that lack clear and convincing justification. Specifically, the rear rooflight would serve a bathroom where natural light is not a necessity; and there is no reasoned or technical analysis to demonstrate the need for the additional rear window and doors to serve No 14. The uncertainty over the necessity and the effects of other aspects of the proposal, including the internal alterations shown on the plans submitted for approval and which would be required to facilitate the proposed change of use, means I am unable to conclude that these elements would not lead to harm.
44. Overall, I find that the public benefits of the proposal would not be sufficient to outweigh the considerable weight and importance that I ascribe to the heritage harm I have identified.
45. The harm that would be caused to the significance of the Grade II listed public house brings the scheme into conflict with Policies HA1 and HA7 of the LP, and the Framework, which seek to preserve and where appropriate enhance the historic environment and the significance of listed buildings.

Other Matters

46. I acknowledge the appellant's stated frustrations with the Council's handling of the planning application. However, this matter falls beyond the scope of this appeal.
47. No suggested reasons for refusing the development are advanced in respect of car parking, accessibility to services and facilities, the standard or size of the accommodation proposed, or biodiversity. I see no reason to take a different view.

Planning Balance and Conclusion

48. I have found the proposal would comply with the development plan in respect of community facilities. However, the heritage harm I have identified brings the proposal into conflict with the development plan when read as a whole. In this circumstance, planning permission should be refused unless material considerations indicate otherwise
49. Due to the housing land supply shortfall, paragraph 11 d) of the Framework is engaged. However, in my judgement, the harm that would be caused to the listed building would provide a strong reason for refusing the development proposed under the provisions of paragraph 11 d) i and Footnote 7 of the Framework. Therefore, the presumption in favour of sustainable development does not apply.
50. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catchside
INSPECTOR