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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/10/18

gan **Joanne Burston BSc MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 14.11.2018

## Appeal Decision

Site visit made on 31/10/18

by **Joanne Burston BSc MA MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 14.11.2018

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**Appeal Ref: APP/E6840/E/18/3208667**

**Site address: 10 - 14 St. Mary Street, Monmouth NP25 3DB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 Mr Steve Gill against the decision of Monmouthshire County Council.
  - The application Ref DC/2017/01380, dated 27 November 2017, was refused by notice dated 24 April 2018.
  - The works proposed are the opening up of floor at rear of courtyard to investigate lower layers and doorway to cellar.
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### Decision

1. The appeal is allowed and listed building consent is granted for the opening up of floor at rear of courtyard to investigate lower layers and doorway to cellar at 10 - 14 St. Mary Street, Monmouth NP25 3DB in accordance with the terms of the application Ref DC/2017/01380, dated 27 November 2017 and the plans submitted with it subject to the conditions set out in the annex to this decision.

### Application for costs

2. An application for costs was made by Mr Steve Gill against Monmouthshire County Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of enhancing the culture and heritage of Wales.

### Main Issues

4. The main issues are whether the proposed works would preserve the special character and interest of this Grade II listed building and whether the proposal would preserve or enhance the character or appearance of the Monmouth Conservation Area.
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## Reasons

5. St Marys Street, on which the appeal site is located, is mainly residential, comprising mostly of a mix of older three-storey properties. The street lies within the historic heart of the town and within the Monmouth Conservation Area. The narrow streets and the extent to which the traditional features and external materials of the nearby properties have been retained are significant components of its special character.
6. The appeal site is a large three storey Grade II listed former Malt House, which is land locked on all sides with only a narrow frontage on to St Marys Street. It was originally constructed in the 1870's as a traditional Malt House, a long narrow building twice the length of its width. At some point in the 1950's the building was used as a furniture depository and then an antiques centre and coffee shop. In 2001 it was converted into a tapas bar and then into a Thai restaurant. The building then became vacant until purchased by the appellant in 2013. The appellant has already undertaken works to the front of the building to restore the shop frontage and to continue the use of this part of the building as a coffee shop.
7. The building was listed in March 2003. The listing description for the buildings states that it was included for its special interest as a multi-period industrial building of definite character. As I saw on my site visit the building has a distinct character and is unmistakable as a former Malt House. In my opinion, it is this overall industrial character that provides the special interest and significance of the listed building.

### *Effect on the listed building*

8. Sections 16(2) and 66(1) of the Act<sup>1</sup> require the decision-maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, 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; Planning Policy Wales Edition 9 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), reiterate this stance.
9. The appellant proposes internal works only, to open up the floor at the rear of the courtyard to investigate the construction of the lower layers of the floor and doorway to the cellar. The works are part of a wider programme to restore the Malt House to its original condition and allow public access to the kiln chamber, steep and drying floor of the Malt House. It is intended to provide a set of wide shallow steps to facilitate safe access, but this would be the subject of a future application. The appellant states that his ambition is for the Malt House to become a historic attraction in the town.
10. Currently there is no secondary means of escape in case of fire, thus severely curtailing the number of visitors permissible. Indeed in 2009 a Fire Prohibition Notice was served due to the lack of secondary means of escape, the Thai business closed down and the condition of the Malt House rapidly deteriorated. Nevertheless, I note that recent discussions with the Fire Service have confirmed that the Fire Prohibition Notice is being lifted to allow the use of the front part of the building only until satisfactory means of escape have been provided. In this respect TAN 24 states at paragraph 5.14 "*Many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing or new uses.*"

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<sup>1</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990

11. The appeal site at the rear of the courtyard has been assessed by Mr Clarke MBE of Monmouth Archaeology. He states that there is clear visual evidence that this section of the courtyard is modern infill, which is supported by lenses of concrete in the exposed section. He goes on to state that there are clear signs that the paving has been raised and otherwise disturbed. Investigations of the previous on-site works<sup>2</sup>, pattern of the courtyard paving slabs and types of material used in laying the paving slabs, undertaken by the appellant have also confirmed this to be the case.
12. I acknowledge that the Council is rightly concerned that the works would harm the historic context of the building leading to an irreversible loss of a significant element of the buildings historic fabric in terms of levels appearance and finishes. Nevertheless, based on my internal inspection of the building which revealed evidence of previous works to modernise it, including raising the floor level, I consider that the internal investigations would have a very minimal effect on the building's special interest.
13. Furthermore, the works would be achieved in a manner that would limit the effect on the building's character and would, to some extent, aid the appreciation of the historic interest of the building. Cadw has also confirmed that it does not consider that the proposed works will be unacceptably detrimental to the special character of the building.
14. Whilst I agree with the Council that the proposed works would damage any underlying archaeology, a planning condition could be used to ensure that any remains are recorded. Such an approach is supported by the Glamorgan-Gwent Archaeological Trust who state "*given the nature of the application and the archaeological resource, our recommendation for the attachment of a condition for the submission of an archaeological written scheme of investigation for implementing and undertaking a programme of archaeological work would be appropriate.*" Cadw also suggest similar conditions stating that "*the implementation of such conditions has the potential to provide valuable information about the listed building, its development and use in the past, which may be of value in interpreting and understanding it.*"
15. Applicants for listed building consent are expected to justify their proposals and show why the works are desirable or necessary. The listed status of the building does not mean that any changes to it ought to be resisted; buildings need to evolve over time and it is necessary to consider the benefits of their continued use and maintenance. I note the period that the building has remained vacant, and have no reason to dispute the appellant's contention that there are limited alternative uses that are viable.
16. The scheme provides an opportunity to secure the building's future as an historic attraction and the present internal layout is clearly unsuitable for public access and safety. I acknowledge the Council's concern regarding the lack of a long term plan for the building and that because of this works to it are piecemeal. However, the appellant has made his intention for the building clear and has recently participated in the 'Monmouth Civic Society Open Doors' day where over 130 visitors came to the Malt House. Therefore I do not doubt the appellant's commitment to the building and its future. The piecemeal nature of the building works are indicative of the careful approach the appellant is taking to appropriately restore the building.
17. Overall I am satisfied that the building can sustain the degree of proposed change. Therefore, having regard to the statutory duty in relation to listed buildings, I find that the proposed works to the building would be acceptable.

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<sup>2</sup> Some of which benefited from Listed Building Consent

*Effect on the character or appearance of the conservation area*

18. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty, in the exercise of functions with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
19. The special character and appearance of the Monmouth Conservation Area derives primarily from the distinctive architecture and layout details of the residential and commercial development which comprises much of the area.
20. Whilst the proposal would alter the internal detail of the building, the character of the appeal building within the overall street scene would not change. The proposal would not therefore undermine the character or appearance of the conservation area.
21. Taking these factors into account, I conclude that the proposal would preserve the character and the appearance of the conservation area. As such, the proposal would not conflict with the statutory duty with regard to conservation areas as set out above.

**Conditions**

22. The Council has not suggested any conditions but, in the light of Circular 16-2014: The Use of Planning Conditions in Development Management, I consider those I have imposed are necessary to make the proposals acceptable and otherwise meet the tests.
23. In addition to conditions concerning the time limit for commencement and identifying the development details approved a condition is also required concerning a written scheme of investigation in order to mitigate the impact of the works on the archaeological resource and to ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

**Conclusions**

24. For the reasons given above, and taking account of all matters raised, the appeal succeeds and I grant listed building consent, subject to appropriate conditions.

*Joanne Burston*

INSPECTOR

**Schedule of Conditions:**

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 3182-03 rev A (site and location plan, dated 11/01/17); and 3290-02 (proposed ground floor plan, dated 23/11/17).
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation, specifically to deploy recording in line with a level 3 Building Recording Survey, which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.