



Dear Mr. Tulloch

Further to my letter of 20 August, I would make one further observation.

Para. 132 of the NPPF advises "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Clearly harm to the setting of a listed building comes within this advice. Harm therefore to the grade 11 star building must be considered within this advice. Additionally Historic England give advice as to the

principles to be followed in the listing of buildings annexed to listed buildings (I would refer to the letter of Philip Davies). This guidance is attached. It would seem to me that an application of HE's own guidance would suggest that that the Under Treasurer's House should be listed. It is clearly ancillary to the use of the adjoining listed buildings which contain the library, the administrative offices of the Under Treasurer, the Council Rooms, the Great Hall, kitchens and Common Room.

It does seem to me that although the harm to the setting of the listed buildings comes within the scope of the advice of para. 132, it is also important to be clear as to whether the Under Treasurer's House is listed as suggested in Mr. Davies's letter and whether HE's guidance has been adhered to by it in advising your Council.

Yours sincerely

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<https://historicengland.org.uk/advice/hpg/has/listed-buildings/>

Objects and structures fixed to the building

In general, a structure attached to a building, such as adjoining buildings or walls, will also be covered by the listing if the structure was ancillary to the principal building at the date of listing (or possibly 1 January 1969 for buildings listed before that date).

An object fixed to the principal building, such as a shop awning or a chandelier will be protected by the listing if it is a 'fixture' according to the usual land law principles. The key considerations in determining this are:

- The method and degree of annexation of the object to the building, the ease with which it can be removed and the damage caused to the structure or object by its removal; and,
- The objective and purpose of the annexation to the building – whether this was for the improvement of the building or for the enjoyment of the object itself.

Plant and machinery, even if it forms part of the land, cannot of itself be a building and therefore cannot be listed in its own right. It can, however, be protected by listing if affixed to a listed building in a way that satisfies these tests.

Extensions or alterations to listed buildings made after listing form part of the listed building and are subject to the protection regime.

As from 26th June 2013 some new list entries or list entries amended after that date may expressly exclude certain attached structures or objects from protection [\(5\)](#)

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