

Peter Rainier
DMH Stallard
Origin One, 108 High Street
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31st July 2026

Dear Peter

Subject: Section 73 Application - Request for Removal of Condition (Lower Staircase and Cellar Access)

Please find below our formal statement in support of an application under Section 73 of the Town and Country Planning Act 1990 to remove the condition attached to the approved retrospective Listed Building Consent requiring the reinstatement of the lower staircase and associated cellar access arrangement.

We respectfully request that this statement be taken into consideration as part of the determination of the application.

Section 73 Application - Statement in Support of the Removal of the Condition Requiring Reinstatement of the Lower Staircase and Cellar Access Arrangement

Introduction

This statement is submitted in support of an application under Section 73 of the Town and Country Planning Act 1990 to remove the condition attached to the approved retrospective Listed Building Consent requiring the reinstatement of the lower staircase and associated cellar access arrangement.

The condition is considered inappropriate as it conflicts with the established heritage assessment and has been demonstrated through independent professional advice to create unacceptable health and safety risks, rendering it impractical to implement.

It is acknowledged that the staircase was removed prior to consent. This was undertaken following heritage advice indicating that the staircase was a heavily altered, modern insertion of limited or no historic significance.

Heritage Considerations

The appointed Heritage Specialist, Desbrulais, confirmed that the staircase was not original fabric but a heavily modified and largely modern timber structure that did not contribute positively to the significance of the Grade II listed building.

Its removal was therefore consistent with the heritage advice later submitted in support of the retrospective application and formed part of the approved heritage-led approach.

Reinstatement would conflict with this established assessment and would result in the unnecessary reconstruction of a non-significant feature.

Health and Safety Considerations

An independent Health and Safety Officer has reviewed the approved condition and the proposed reinstatement works.

The report confirms that a secure access hatch has been installed to the cellar, providing a safe and controlled means of access. It further confirms that reinstating the staircase would be incompatible with this arrangement, as the hatch could not be safely operated in conjunction with a fixed stair structure.

The report also identifies that if access were provided solely via a doorway beneath the staircase without a secure hatch, this would create an unprotected vertical drop into the cellar, presenting a serious and foreseeable risk of injury.

The conclusion of the assessment is that the reinstatement would introduce unacceptable safety hazards and is not compatible with safe use of the building.

It is also noted that at the Planning Committee meeting held on 11 June, several members of the committee expressed agreement that the reinstatement of the staircase was not practicable and would present a health and safety risk, further reinforcing the concerns raised within the independent professional assessments.

Practical Deliverability

The appointed contractor has confirmed that they are unable to undertake the works as specified due to the inherent safety risks and associated professional and legal liability.

This confirms that the condition is not practically deliverable in a safe or responsible manner.

Planning Balance

In planning terms:

- the staircase has been assessed as a modern, non-significant alteration;
- its removal aligns with the accepted heritage assessment;
- a compliant and safe access hatch is now in place;
- independent health and safety advice confirms reinstatement would create unacceptable risks;
- the contractor has declined to carry out the works;
- members of the Planning Committee have also acknowledged concerns regarding practicability and safety; and
- the condition provides no identifiable heritage benefit and would result in an unsafe and impractical arrangement.

The condition therefore fails to achieve a positive conservation outcome and is not reasonable in light of the technical evidence now available.

Conclusion

The applicant seeks to comply fully with the approved Listed Building Consent. However, the condition requiring reinstatement of the staircase and cellar access arrangement is inconsistent with the accepted heritage position and has been demonstrated to be unsafe and impractical.

Removal of the condition under Section 73 would not result in harm to the listed building. Instead, it would ensure the approved scheme is implemented in a manner that is safe, practical, and consistent with both heritage and health and safety requirements.

It is therefore respectfully requested that the Local Planning Authority agrees to remove the condition.

Yours faithfully,

Simon Dougall