

Re: CHANGE OF USE FROM C3(A) DWELLINGHOUSE (VICARAGE) TO FIVE BEDROOM C2 RESIDENTIAL INSTITUTION

Please supersede my previous with updated comments below.

Curtilage Listing

Section 76(5) of the Historic Environment (Wales) Act 2023 states that:

In this Act “listed building” means a building included in the list maintained under this section, and includes—

(a) any structure or artificial object that is fixed to the building and ancillary to it;

(b) any other structure or artificial object that—

(i) forms part of the land and has done so since before 1 July 1948, and

(ii) was within the curtilage of the building, and ancillary to it, on the date on which the building was first included in the list, or on 1 January 1969, whichever was later.

I have reviewed the site and its history against the above, the ‘*Calderdale Tests*’ and within the context of existing Case Law:

- The Vicarage was constructed at the same time as Grade II Listed St Mark’s Church adjacent and was clearly in situ by 1881 (see OS Map Newport - Monmouthshire XXVIII.16.17 Surveyed: 1881, Published: 1884). At this time, the two buildings had clearly defined and separate curtilage boundaries (though with facing pedestrian gates).
- Considering the property is only now being sold by Church in Wales, the Vicarage was under the same ownership as the listed asset at the time of listing (02/05/1980).
- The Vicarage served an “ancillary” function to St Mark’s Church following its construction - and presumably at the time of listing. Being used to house the vicar as a benefit to its clergy, it was essential to the operation of the church and thus played a tangible role in supporting operations associated with the principal listed asset.
- Encroachment by development between 1881 and 1899 saw erosion of the church’s curtilage boundary. At time of listing (as today), there remains a distinct boundary wall between Vicarage and Church. Though it features a pedestrian gateway which enables interconnection between the two, this boundary line still provides for a distinct and separate curtilage boundary for the Vicarage.
- Therefore, I would conclude that the vicarage does not fall under the Grade II listing of the church, and a Listed Building Consent application would not be required for these works.
- It should, however, be noted that the eastern boundary wall **does** fall under the Grade II Listing of the church (and would likely be dealt with under CiW’s Ecclesiastical Exemption).

Planning Observations

The Vicarage is intimately associated with the Grade II Listed St Mark's Church.

Located directly to the east, the church was constructed 1872-74 to the designs of Habershon, Pite & Fawckner. Though not certain, it seems that the vicarage was designed and built by the same, being formed in matching materials and of a distinctly 'Gothick' style. Both certainly appear within the OS map of 1881. Today, they share a common stone boundary, which is of considerable age, excellent historical character and appearance, and is **curtilage-listed with the Grade II Asset**.

As such, vicarage and church hold a very close and long-held contextual relationship (see below), and the vicarage is considered to make a strong positive contribution towards the Setting of the Grade II Listed church.

However, considering that the only proposed external alteration is for a new doorway located within that portion of northern elevation concealed behind the roadside boundary wall (to Gold Tops) and within the small service yard to the north, this application would not be considered to result in impact upon the Setting of the Grade II Listed asset.



Many thanks,

Guy Arnall

Prif Swyddog Treftadaeth / Principal Heritage Officer
Swyddog Dirprwyedig (Adeiladau Rhestredig) / Delegated Officer (Listed Buildings)

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