

**23 LOWERGATE
CLITHEROE BB7 1AD**



HERITAGE ASSESSMENT

DEMOLITION OF REDUNDANT GARAGE WITHIN CONSERVATION AREA

Project Ref: 26.31

Client: Sam and Philip Kearns

Date: September 2026

Introduction

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the local planning authority to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas when determining applications. Section 74 refers to Control of demolition in Conservation Areas. National policy is set out in Chapter 20 of the National Planning Policy Framework (NPPF, 2026).

Listed Buildings and Curtilage Historic England Advice Note 10 states:-

A listed building is commonly identified in the National Heritage List for England by an address only, although more recent entries contain a plan showing a blue line around the principal listed building. In either case, unless the list entry explicitly says otherwise, the law (section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990) says that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July, 1948.

Purpose

This heritage assessment has been prepared in support of an application for Demolition Consent for the demolition of a redundant garage within Clitheroe Conservation Area and within the current garden of a Grade II listed building 23 Lowergate, Clitheroe BB7 1AD.

There is no statutory requirement for a heritage assessment, this assessment has been undertaken to establish whether the building is a non-designated heritage asset or was within the curtilage of a listed building in 1948. As part of the Attorney-General ex rel. Sutcliffe v Calderdale Borough Council (1982) The Court of Appeal developed a three-part test to determine whether a structure falls within the curtilage of a listed building:

Physical layout – the spatial and structural relationship between the buildings;

Ownership – both historic and at the time of listing; and

Use or function – again, both historic and current.

Subsequent decisions have refined, and in some respects narrowed, Calderdale's reach. In *Egerton v Taunton Deane BC* (2008) they concluded that common ownership and proximity alone were insufficient. What matters is the functional and physical relationship at the time of listing.

This divergence highlights that curtilage determinations are highly fact-sensitive. Two similar properties might yield different outcomes depending on layout, land use, or ownership history. As a result, case-by-case analysis remains essential.

Key points to note include:-

Curtilage listing extends statutory protection to pre-1948 structures or objects within the curtilage of a listed building, where those structures or objects contribute to its special interest. Curtilage structures or objects may not appear on the official list yet remain protected.

Consent is required for works to curtilage structures where the works would affect the special interest of the listed building. Unauthorised works can lead to enforcement or prosecution

The curtilage test is fact-specific, typically considering:

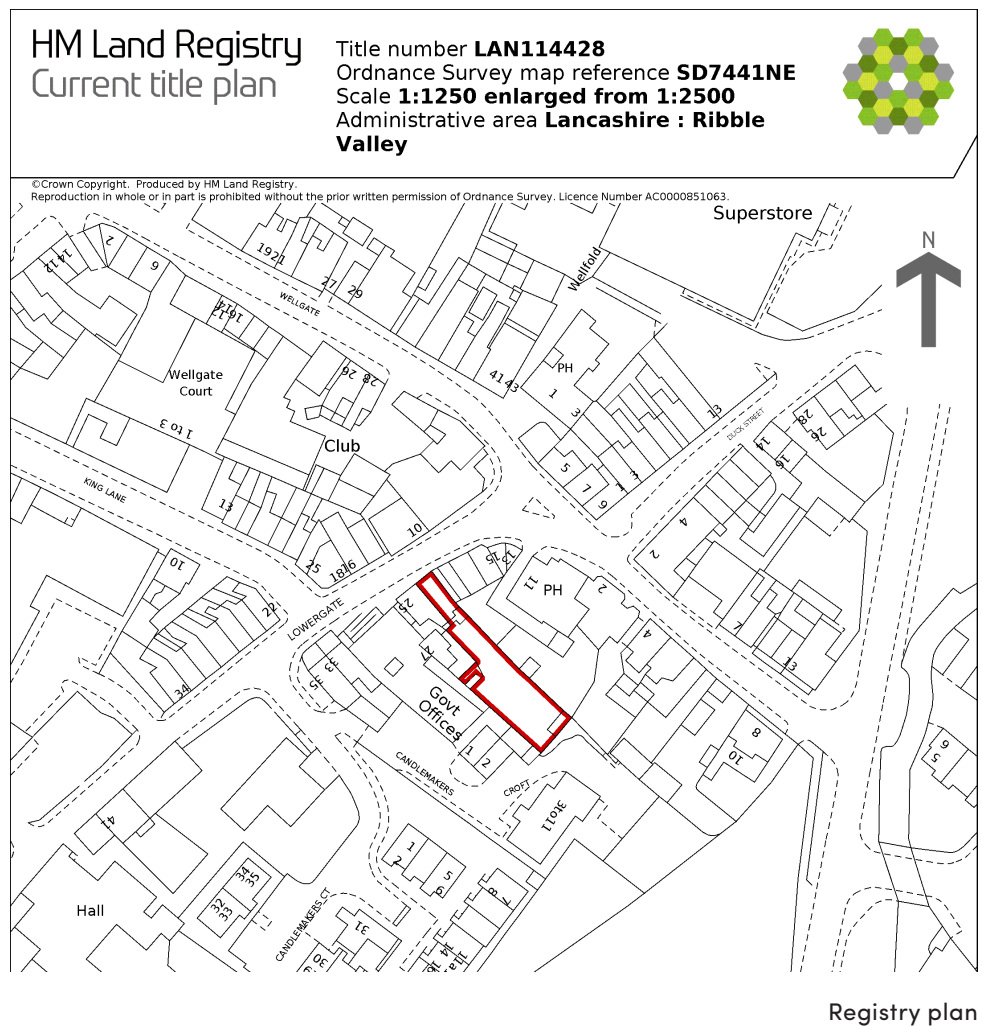
Historic and current ownership;

Functional relationship at the time of listing; and

Physical layout and spatial integration

The Nature of the Proposal

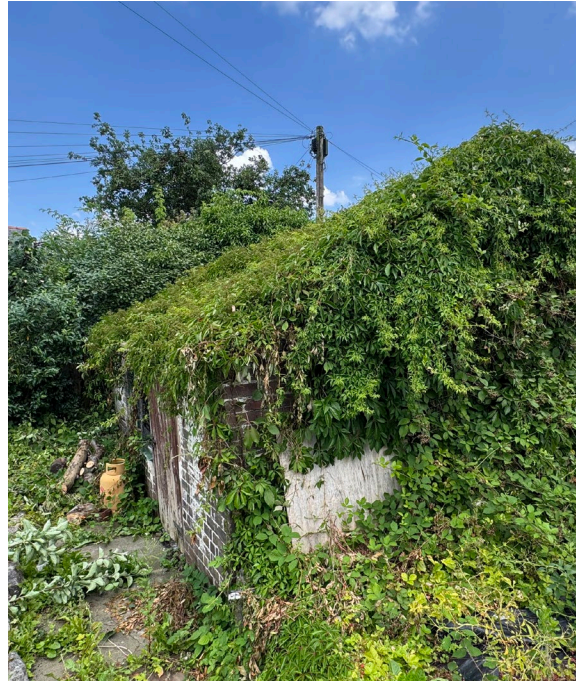
Consent is being sought for the demolition of a redundant masonry built garage at the end of the garden to 23 Lowergate, Clitheroe BB7 1AD. It is clearly included within the land registry deed plan, see below.



The garage has a pedestrian access door from the garden. The double garage doors can not be accessed from the garden or from a public highway. Prior to the development of Candlemakers Croft it was accessed from the Commercial Garage that stood on the site. Currently there is landscaping to the boundary that restricts any access to the garage from the South.



Internal view showing temporary supports



Brickwork masonry to garden side



Garage not visible from highways



Garage door from Candlemakers Croft

The garage is in an unsafe condition, the ridge beam is currently being supported by acro supports. The ambition is to remove the non boundary walls entirely, the boundary gable is to be lowered to the height of the boundary walls and the redundant garage opening is to be infilled with masonry reclaimed from the demolition. The slab is to be retained as a base for a replacement garden shed or greenhouse.

Designation records for the heritage asset

Heritage Category: Listed Building
Grade: II
List Entry Number: 1072346
Date first listed: 30-Sept-1976
List Entry Name: Part of Premises Occupied By Number 27
Listing NGR: SD7449841822

Location

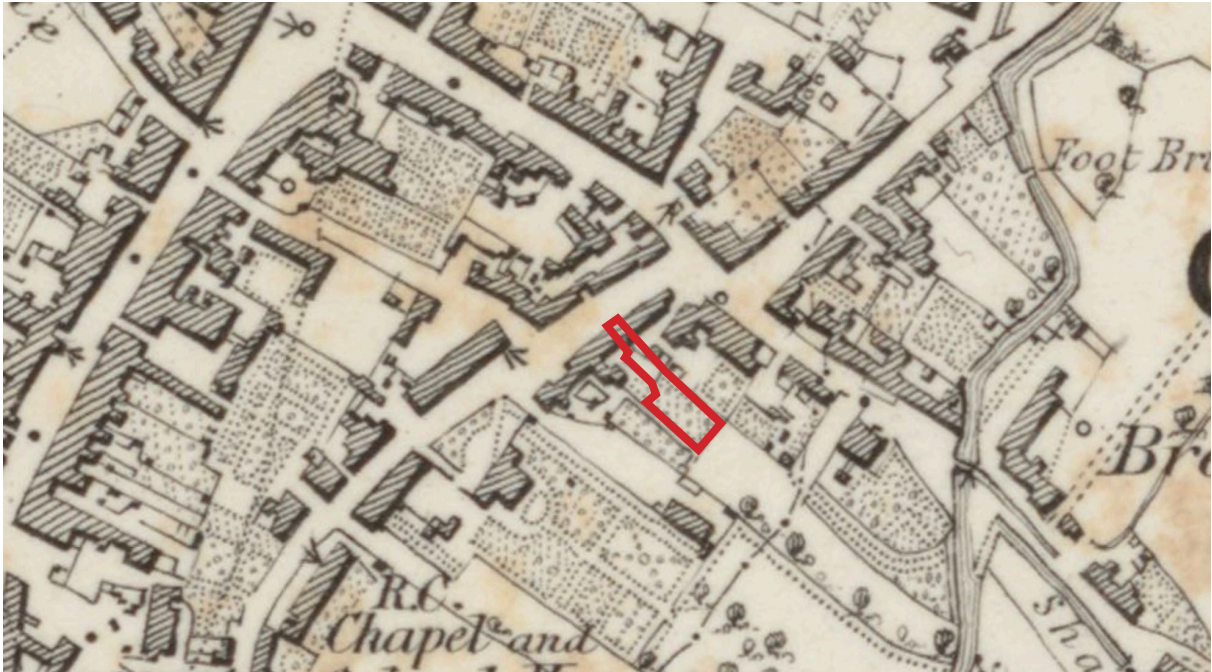
Statutory Address: 23 AND 25, LOWERGATE
Statutory Address: PART OF PREMISES OCCUPIED BY NUMBER 27, 27, LOWERGATE

Details

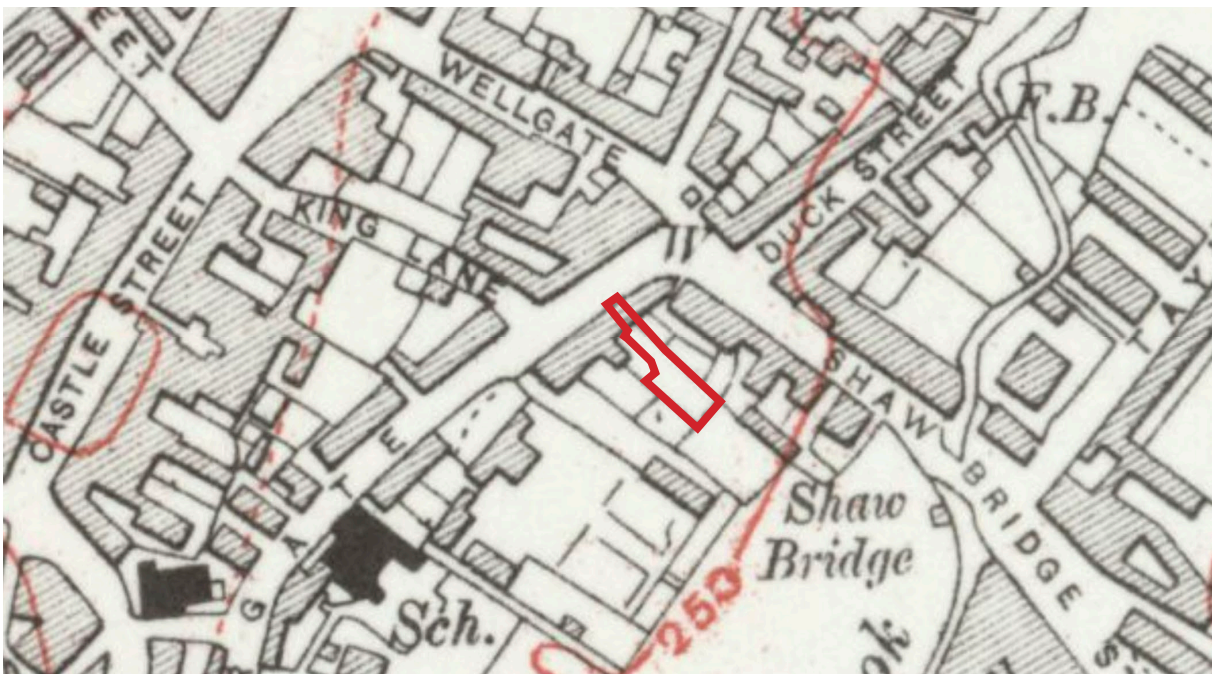
LOWERGATE 1. 5295 (South-East Side) Nos 23 and 25 (and part of premises occupied by No 27) SD 7441 1/145 II GV 2. C18 or early C19. 2 storeys with pebbledash render on stone and rendered plinth. 2 windows on both floors, stone surrounds. Stone surrounds to doors. Small slightly set back section to right of this build occupied by No 27. Nos 13 to 25 (odd) form a group, Nos 13 to 21 being of local interest.

This List entry helps identify the building designated at this address for its special architectural or historic interest. Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

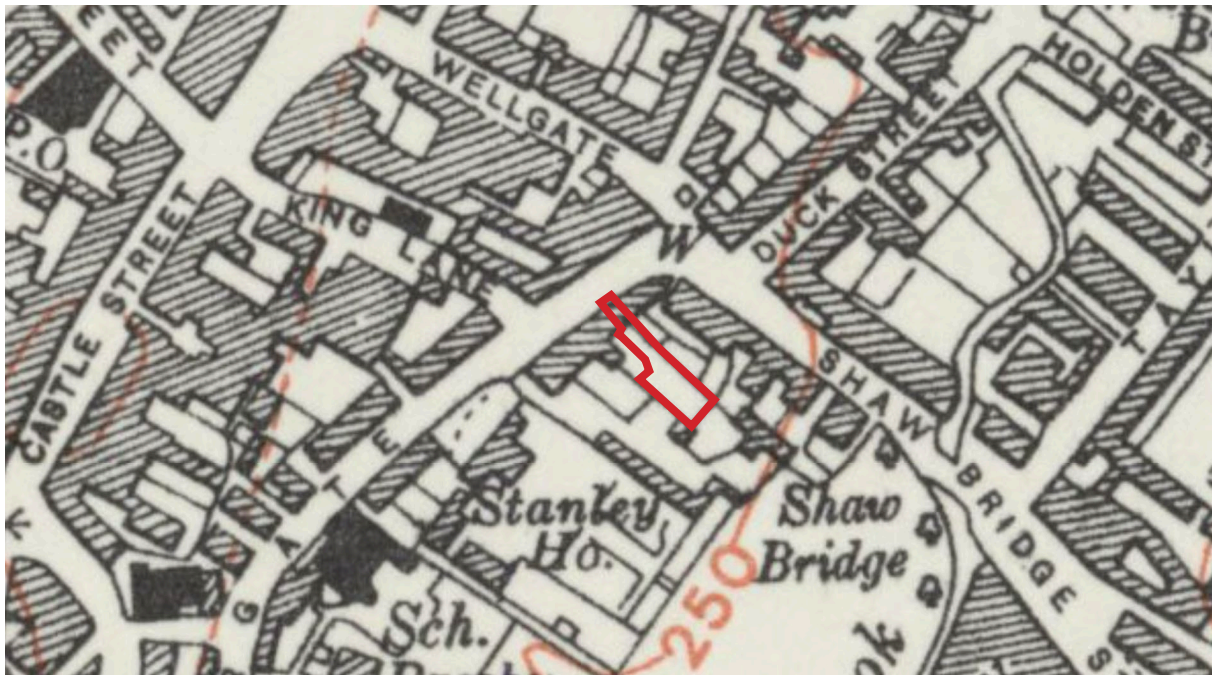
Evolution of the site



1844 - no evidence of the outbuilding



1910 - no evidence of the outbuilding



1947 - no evidence of the outbuilding



1964 - first evidence of the outbuilding

The historic maps suggest that the garage may have been located within the historic garden layout, though the maps do not allocate individual gardens to 23, 25 or 27 Lowergate. We have been unable to establish historic ownership at the time of construction or at listing. It may have been a communal garden. The maps do however confirm that the garage was built after 1948 but before the buildings were listed.

Planning History & Policy

There is no relevant planning history.

The NPPF sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts. Section 20. Conserving and enhancing the historic environment covers the relevant policy in this matter.

Chapter HE9: Conservation areas states:-

1. Development proposals within or affecting the significance of conservation areas should:

- a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible;*
- b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of the development.*

2. Not all elements of a conservation area will necessarily contribute to its significance.

Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

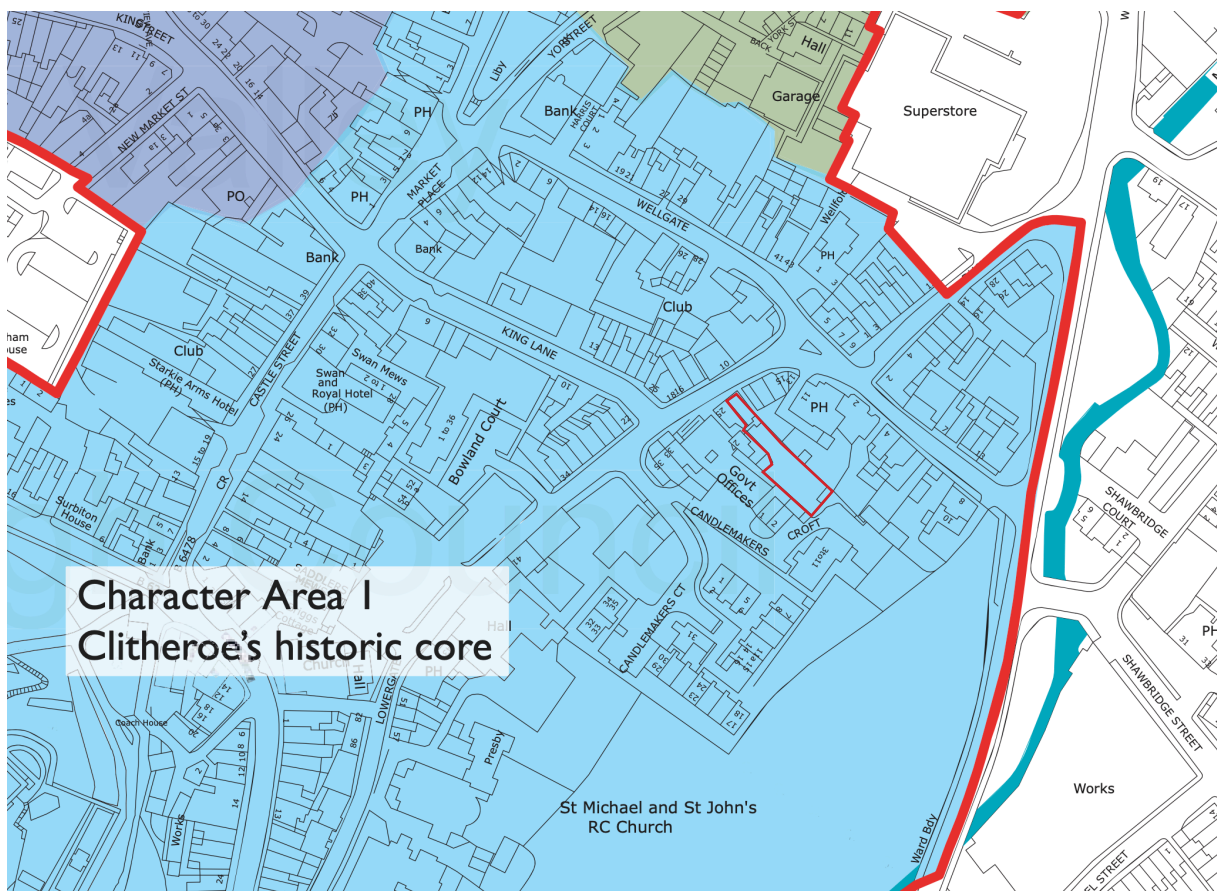
3 Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

Conservation Area

The Clitheroe Conservation Area was designated in October 1973 and extended and given Outstanding Conservation Area status in December 1979. The conservation area appraisal was updated in 2005/6. The Conservation Area has been divided into three character areas defined and unified by a similarity of history, use or architectural character. The main character area is Clitheroe's historic core and includes Lowergate.

It refers to Lowergate:-

Lowergate is an ancient route which meanders, with varying width, from Wellgate to the lower end of Moor Lane. It contains some important historic buildings.... The former Court House and adjoining buildings form an attractive group that closes the view along King Lane.



Clitheroe Conservation area map

Impact Assessment

In accordance with NPPF section HE9; the redundant garage makes no positive contribution to the character or appearance of the conservation area. There is no development so consideration does not need to be given to the areas special architectural or historic interest. The demolition will not involve the loss of any historic fabric.

Conclusion

The garage was built after 1948 and hence should not be considered as curtilage listed. They were built before the listing but as they were accessed from the private land of the garage to the South and hence had no apparent functional relationship to the property they should not be considered as curtilage listed as defined by Egerton v Taunton Deane BC (2008).

Whilst there may be some age to the wall to the south, which is to be retained, the building itself has insufficient age or character to be deemed a non-designated heritage asset. It also makes no contribution to the conservation area.

It is respectfully submitted that there are no policy or heritage grounds for withholding demolition consent.