

DELEGATED FILE NOTE

CASE OFFICER: ...Mark Simmons.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01753/LDCLB	Installation of a boiler flue outlet pipe (200mm diameter and projecting 300mm) on north (side) elevation 3200mm above ground level.	2a High Street Barley Royston Hertfordshire SG8 8HZ

Submitted Plan Nos

Location plan Photo of proposed flue location

1.0 Policies

HE1 Designated heritage assets

SECN20 Conserving+enhancing natural environment

2.0 **Relevant History**

2.1 The planning history for this site is provided below (excluding TCA's)

94/00475/1 - Change of use and conversion into single dwelling, 3 parking spaces and ancillary works, following demolition of rear addition (as amended by plans received 27.5.94 and letter dated 6.6.94).

CP 23.06.1994

94/00478/1LB - Conversion and alteration of redundant chapel into single dwelling including demolition of existing rear part of building (as amended by plans received 27.5.94 and letter dated 6.6.94).

CON 23.06.1994

94/01036/1LB - Minor alterations to rear doors previously granted on listed building consent 94/0478/1LB.

CON 28.11.1994

01/00094/1LB - Internal alterations to provide additional living accommodation in loft space, installation of rooflight on north elevation and new circular window in rear elevation. Replacement of stone plaque on front elevation with window and repositioning of soil vent pipe (as revision to listed building consent 00/00105/1LB granted 14 April 2000).

CP 08.03.2001

05/01327/1 – Continued use of two ground floor rooms in existing dwelling for office purposes.

CCON 17.12.2025

07/01696/1HH - Demolition of garden wall and part rebuild of garden wall.

CP 20.09.2007

07/01697/1LB - Demolition of garden wall and rebuild part of garden wall.

CCON 14.09.2007

20/00325/FPH - Built-up three windows on the North elevation, erection of new boundary fencing and insertion of gate into wall.

CP 10.06.2020

20/00326/LBC - Built-up three windows on the North elevation, erection of new boundary fencing and insertion of gate into wall.

CCON 11.06.2020

3.0 **Legislation**

- 3.1 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Sections 16 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of the NPPF.

4.0 **Representations**

- 4.1 No consultation required.

5.0 **Planning Considerations**

5.1 **Site & Surroundings**

- 5.1.1 No.2a High Street, Barley is grade II listed and located within the Barley Conservation Area. The building and the area are Designated Heritage Assets for the purpose of applying the aims of Section 16 of the NPPF. The list entry reads as follows:

<https://historicengland.org.uk/listing/the-list/list-entry/1347408?section=official-list-entry>

5.2 **Proposal**

- 5.2.1 The description reads as follows: ***Installation of a boiler flue outlet pipe (200mm diameter and projecting 300mm) on north (side) elevation 3200mm above ground level.***

5.3 **Key Issues**

- 5.3.1 The key issue for consideration here is whether the works constitute alterations affecting the building's special character, in which case, an application for listed building consent is required or, whether the works are considered lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in which case, a Certificate of Lawfulness of Proposed Works can be granted.
- 5.3.2 Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") provides that anyone who wishes to ascertain whether proposed works for the alteration or extension of a listed building would be lawful (i.e. that the works would not affect the character of the listed building as a building of special architectural or historic interest) may make an application to the local planning authority, describing the works, in order to receive a formal response – a certificate of lawfulness of proposed works. Section 26H broadly mirrors the provisions of section 192 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of certificates of lawfulness of proposed use or development in the planning system. Sections 26I and 26K were inserted into the Act by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24) ("the 2013 Act").

- 5.3.3 Applications for Certificates of Lawfulness of Proposed Works cannot be submitted in respect of works which have already been carried out as stated in the Guidance Notes on the Planning Portal. The works have not yet commenced on site.
- 5.3.4 The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014, states that such applications should be accompanied by, amongst other things, a statement explaining why the applicant believes the proposed works would not affect the character of the listed building as a building of special architectural or historic interest.
- 5.3.5 During the validation stage the applicant confirmed the following by email on 6 August 2026:

LDCLB section 6 text:

I am required to replace the oil-fired boiler installed in my property by the previous owner. Due to building regulations, I am unable to use the existing flue, which exits the property at roof height. I was therefore advised to install a High-Level Balanced Flue outlet pipe for a Grant Vortex Internal Pro 46/70 Boiler, which is 200mm in diameter (illustration of model included). This flue would protrude from the wall of the property on the north side by approximately 30cms, but would be sited on the gault brick infill near to the pre-existing black air grille and overflow pipe, above the window arch at a height of 3.2m – thereby avoiding impact on original brickwork.

LDCLB section 7 text:

The proposed work affects a small area on the north side of the building, which contains pre-existing pipes and grilles, and is in a location which cannot be seen from the public highway, or from any walkway. The specific model and type of flue - its diameter, elevation and exact location – is chosen to have the minimum impact on the exterior of the listed property. The siting in the brick infill, although involving more complex interior fitting, further reduces the extent to which the flue would be seen to protrude, and prevents disturbance to the red brick outer wall. I therefore believe that this work will have no effect on the character of the listed property as a building of historical interest.

5.4 Conclusion

- 5.4.1 It is considered that the proposed flue will not affect the listed building's special character, therefore, listed building consent is not required and that a Certificate of Lawfulness of Proposed Works should be granted.

6.0 Recommendation

- 6.1 That a Certificate of Lawfulness of Proposed Works be **GRANTED**.

1. The proposal would not constitute an alteration affecting the special character of this listed building and is lawful within the meaning of Section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 8 September 2026	