



Appeal Decision

Site visit made on 29 April 2013

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2013

Appeal Ref: APP/A3010/E/12/2187203

Osberton Hall, Osberton, Worksop, Nottinghamshire, S81 0UF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Jan Baxter (per Mr Chris Hewitt) against the decision of Bassetlaw District Council.
 - The application Ref: 12/01039/LBA dated 27 June 2012, was refused by notice dated 11 September 2012.
 - The works proposed are: "To remove cabinets containing a taxidermy collection of birds from the main hall within Osberton Hall".
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case is whether the proposed works would preserve the special architectural and historic interest of the Grade II* listed building.

Reasons

3. Sections 16(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) say that in considering whether to grant listed building consent for any works, special regard shall be paid to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
4. Osberton Hall is a large country house dating from the 18th century, though largely rebuilt to designs by William Wilkins in 1806. Further extensive additions and remodelling for the Foljambe family took place during the 19th century by a succession of architects including William Burn and J McIver Anderson.
5. The significance of Osberton Hall insofar as its interior is concerned, is that it still maintains much of its historic detailing, plan form, and room decoration. This particularly applies to the central hall, which was formed as part of the major remodelling of 1872-1880. It is a large, top-lit room giving access to the principal reception rooms and main staircase, and is surrounded by a gallery at first floor level. It is the most impressive space in the building, and the integrally designed oak display cabinets and the bird collection contribute much to its completeness and special interest.

6. From documentary evidence the room was known from the outset as the museum, and it is reasonable to deduce that it was intended to provide a suitable imposing setting for Francis F Foljambe's extensive collection of British birds and other artefacts including bird's eggs, butterflies and animal heads. The 'museum' display purpose of the room is reflected in the design; including the continuation of the skirting pattern on the cabinets, and the fitting of some of them into arch-headed shallow niches. The cabinets are physically screwed to the walls, and the bird specimens are attached by wires to mounting blocks which sit on the shelves. These, in turn, are fixed to the cabinets.
7. An important part of the significance of the heritage asset is the association of the display with the previous owner of the Hall and the eminent taxidermist Henry Shaw who arranged it. It is not disputed that the bird collection itself is of great value and interest; due in no small part to the status of the people associated with its accumulation and display. It is remarkably comprehensive, and has been described as "the most complete collection of British birds existing"¹. I do not consider that the significance has been appreciably diminished due the fact that the collection was once larger.
8. The National Planning Policy Framework (the Framework) makes it clear that significance can be harmed or lost through the destruction of the heritage asset, and great weight should be given to its conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. After careful consideration, I consider that the removal of the cabinets and bird collection from their original position would both diminish the original decorative scheme and purpose of the room and devalue its historic association with the previous owner. This would result in harm being caused to the significance of the heritage asset. However, in this case I am satisfied that the degree of harm caused would be less than substantial.
9. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. The main public benefit put forward is the proposal to re-house the cabinets and bird collection at Doddington Hall in Lincolnshire, where it would be displayed in an area open to public view. However, as no legal agreement or covenant for this proposal is before me, there is no certainty that it would happen. Therefore I can only afford it very little weight. In any event, I do not consider that greater public accessibility alone amounts to a public benefit that would justify the severance of the collection from its existing historical context.
10. One of the main reasons put forward for the proposed works arises from the personal taste and preference of the current owners, and I understand that the possibility of removing the cabinets and bird collection was a significant factor in their decision to buy the Hall in 2011. I appreciate that taxidermy (especially on this scale) is not to everyone's taste, and due to its location in the central hall I accept it cannot easily be avoided when accessing other principal rooms. The appellant also says that removal of the cabinets and birds is necessary (for similar reasons) to enable the central hall to be used as an occasional venue for fundraising events. However, whilst I have considerable sympathy with these arguments, and appreciate the appellant's plans to create a family home for the benefits it brings to the longer-term conservation of the Hall, such considerations do not amount to a public benefit.

¹ Jacks L 1881 The Great Houses of Nottinghamshire and the County Families

11. The appellant submits that the historical significance of the Hall has not been devalued by the removal of paintings, books, furniture and some other items; all of which comprised the part of the extensive and important Foljambe collection. Whilst this is debatable, these other items and artefacts were not protected by Listed Building legislation, and their removal could not be prevented.
12. Overall I consider that no clear and convincing case has been put forward that might justify removal of the display cabinets and the bird collection. Accordingly, I conclude that the proposed works would not preserve the special architectural or historic interest of the Grade II* listed building, and they would cause less than substantial harm to the significance of this heritage asset. No public benefits have been demonstrated that would outweigh the harm that I have identified. Therefore, the proposal would be contrary to National policy in the Framework, and insofar as they are relevant to this appeal for listed building consent, to Policies SO9 and DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plans Document.
13. Therefore, for the reasons given above, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR

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