

## **Case summary**

### **Issue(s)**

On an application for listed building consent, should the Planning Inspector consider whether the items listed were 'buildings'; and(ii) what is the correct approach to determining whether the items are 'buildings'?

### **Facts**

In 1973 the appellant's father purchased Idlicote House, which had been designated a Grade II listed building in 1966. He brought with him from his previous residences a pair of eighteenth-century lead urns resting on limestone piers and put them in the gardens. On 30 June 1986 the urns and piers were individually listed. The appellant came into ownership of Idlicote House in 1993 but was unaware of the listing. He sold the items at public auction in 2009. In 2015 the second respondent ('the Council') told the appellant that listed building consent had been required for the removal of the items. The Council refused his application for consent and issued a listed building enforcement notice requiring the return of the items. The appellant appealed against both decisions, contending that there had been no breach of listed building control because the items were not buildings, that the items should be de-listed, or consent given. The Inspector dismissed his appeals.