

SAVE Britain's Heritage  
70 Cowcross Street  
London  
EC1M 6EJ

Your Ref

Our Ref

3 March 2005

I am writing further to your letter of 23 February 2004 to Andrew McIntosh, in which you asked the Secretary of State to consider the General Market Building, Former Fish Market and Lavatory Block at Smithfield for listing under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In July 2003 the Secretary of State declined to list the above buildings. In doing so she accepted English Heritage's advice that none of the buildings were of listable quality. The Secretary of State's policy on reconsidering previous decisions not to list is set out in *Planning Policy Guidance Note 15: Planning and the Historic Environment* (PPG15). This states that where an area has been the subject of a resurvey or review, the Secretary of State considers that it is *important that requests for spot listing draw attention to any new evidence which may not have been available to English Heritage previously, or otherwise explain why the building's special interest may have been overlooked. The Secretary of State recognises that there may be cases where new evidence justifies a reconsideration of a previous decision not to list, but she will not generally be disposed to review earlier decisions unless such evidence is provided.*

Whilst this policy relates to areas that have been the subject of a recent survey or review, the Secretary of State considers that similar considerations apply where a building has recently been turned down for listing.

Since July 2003, further representations have been made about whether the buildings should be listed. As well as representations from SAVE, representations have been made by two societies with relevant expertise in the historic environment, the Victorian Society and the Ancient Monuments Society. There have also been representations from others with relevant expertise including architectural historians Dr Jennifer Freeman and Professor James Curl-Stevens. There have also been detailed representations from individuals who have clearly carried out considerable research on particular subjects which are relevant to an assessment of the architectural and historical merits of these buildings. Representations have also been received on behalf of the developers of the site, Thornfield Properties plc. They have advanced legal arguments as well as the views of their expert, Dr Chris Miele.

It became apparent from these representations that there is a strong body of expert opinion that is in favour of the listing of these buildings. The Secretary of State considered whether these representations gave her sufficient grounds to review the case. She bore in mind the fact that her policy does not require new "factual" evidence to be available, and that it may be appropriate for her to reconsider her decision where she is persuaded that a building's special interest may not have been evaluated correctly. In this case, there is a substantial body of expert opinion, of which she was not fully aware in July 2003, which supports the judgment that these buildings do meet the listing criteria on a number of grounds. The Secretary of State takes the view that the weight of that body of expert opinion justifies a further review of the case and a reassessment of the weight given by English Heritage to the various different listing criteria, in order to test whether adequate weight was given to all

relevant factors and any material aspect of their special interest was overlooked. In the light of that assessment, the Secretary of State has considered whether her decision not to list in July 2003 merits revision.

The Secretary of State has given very careful consideration to all of these new representations and has consulted English Heritage (as her statutory adviser) on the information and opinions contained in them. Given that it is just over 18 months since she last considered the matter, she takes the view that the representations made since July 2003 need either to raise some significant new factor or to alter the weight of opinion in favour of listing by advancing a significant new argument, for her to be able to change her mind. Despite very close scrutiny of all the information provided, in the case of the General Market and the Lavatory Block she has been unable to identify new factual evidence of any significance that had not already been considered when she made her decision not to list these buildings in July 2003. Nor, in her opinion, are the further opinions from experts sufficient on their own to shift the balance as they do not introduce any significant new arguments, although she has noted that they do help to emphasise how finely balanced the decision is, particularly in relation to the group value of the buildings and the historical significance of the nineteenth century interventions in the area. She has, therefore, concluded that she is not able to add the General Market and the Lavatory Block to the statutory list.

#### *The Red House Cold Store*

The case of the Red House is different, as the recent representations have contained new evidence which was unavailable to the Secretary of State when she made her previous decision in July 2003.

In your application, you pointed out that English Heritage had not explained that the Red House was probably the earliest surviving purpose-built powered cold store. In addition, the Victorian Society pointed out the historical significance of buildings such as the Red House cold store, which exploited modern technology to enable safe storage of food in a way not previously possible. The expansion of London in the Victorian and Edwardian period meant that all previous methods of food provision became inadequate. The Secretary of State has also received a further, very detailed exploration of the history and significance of cold stores particularly in the context of the development of Smithfield in the late Victorian era, which was not previously available.

In the light of this new evidence the Secretary of State has reconsidered the Red House against the listing criteria.

English Heritage's advice in July 2003, which the Secretary of State then accepted, gives a full explanation of the architectural qualities of the Red House, however, its only reference to its historical interest is as follows:

*There are some historical factors worth mentioning, besides. It is part of a very interesting market complex: the rebuilding formed part of an elaborate programme of metropolitan improvement in the area; it includes a very early example of a purpose-built cold store building which was given an elaborate external architectural treatment.*

English Heritage has accepted that the representations received about the Cold Store do contain new information. However, in their view the fact that the Cold Store may be the earliest surviving anywhere does not affect their assessment of its listability.

Dr Miele, on behalf of Thornfield Properties, submitted that the Red House cold store was of specialist interest only and that being the first powered cold store in the country was not necessarily enough in itself to warrant listing.

The Secretary of State has considered the new evidence and representations in favour of listing and the arguments against listing put forward by English Heritage and by Dr Miele. She disagrees with the conclusion that the Red House does not fulfil the listing criteria and considers that English Heritage have given insufficient weight to the historical interest of this building in their assessment. The Secretary of State takes the view that the further evidence provided by SAVE and others demonstrates that the Red House is worthy of listing as the earliest existing example of a purpose built powered cold store. She considers that particularly in the historical context, which is that the development of cold stores is of significance for the continuing evolution of the Market itself, the building type is worthy of recognition in its own right. It fulfils the criteria for listing on the grounds of technical innovation and historic interest, including demonstrating an aspect of the social and economic history of London, namely the importance of refrigeration as a way of providing adequate supplies of meat for the expanding population of London during the late Victorian and Edwardian periods.

In addition, she considers that the exterior of the cold store contributes to the architectural and historic interest of the Market as a whole and she has taken into account the further views expressed on this aspect since 2003. Although as explained above, she does not consider that the further opinions expressed by experts on the group value and historic interest of the complex are of themselves sufficient to cause her to list all three buildings, she accepts that they are relevant to the question whether, in the case of the Red House, the balance can be said to have shifted in favour of listing.

In July 2003 the Secretary of State accepted English Heritage's view that the buildings did not have sufficient group value to be listable because of their separation from the main grade II\* listed market by the 1960's Poultry Market. However even in July 2003 English Heritage described the Smithfield Market Complex as *Overall...very special indeed*. They went on to describe the Annexe and Red House building as *a crucial link between the historic core of Smithfield and the remarkable High Victorian metropolitan improvement that was the Holborn viaduct*. The exterior of the Red House itself was described as "dramatic."

You have also pointed out that it is important to see the Red House in its context as one of many handsome buildings constructed around the market that relate to and support its operation.

In the light of the representations that have more recently been made, the Secretary of State now has a better understanding of the important historical role of the Red House. She considers that she is entitled to revisit all the evidence available and reconsider the case of the Red House in the round, including the impact of its exterior and other architectural qualities, its functional role which was to service the Market, as well as its place in the continuing development of the Market after the changes that had taken place as a result of the Victorian schemes of metropolitan improvement in the 1860s and 1870s.

In the light of all the above, the Secretary of State now agrees that the Red House makes an important contribution to both the architectural and wider historic interest of the complex of Market buildings as a whole. This lends additional weight to the case for concluding that this particular building meets the statutory criteria for listing.

**Department for Culture, Media and Sport**

For the reasons set out above, the Red House has now been added to the statutory list at Grade II.

The decision on conservation area consent for the demolition of these buildings rests with the local planning authority or the Deputy Prime Minister should he choose to call the case in for his own consideration. The Secretary of State has written to him with a copy of this letter, as it may be relevant to any consideration which he may wish to give to whether he should exercise his call-in powers in relation to the development proposals currently before the Corporation of London.

Yours sincerely,

Harry Reeves  
Head of Architecture and Historic Environment Division