The Planning Inspectorate

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Your Reference:
92/013

Council References:
4/0439/95FL; 4/0435/95LB
4/0864/95EN; 4/0865/95EN

Our references:
Appeal A T/APP/A1910/E/95/811793
Appeal B T/APP/A1910/A/95/254859
Appeal C T/APP/C/95/A1910/639189
Appeal D T/APP/F/95/A1910/639167

Date:
19 JUL 1996

David Lane Associates
3 College Street
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Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 174 AND SCHEDULE 6. PLANNING AND COMPENSATION ACT 1991. PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTIONS 20 AND 39 AND SCHEDULE 3. APPEALS BY SHENDISH MANOR CONFERENCE AND LEISURE CENTRE. LAND AND BUILDING AT SHENDISH HOUSE, HEMEL HEMPSTEAD. LISTED GRADE II.

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your client's appeals against listed building and planning enforcement notices issued by the Dacorum Borough Council and against refusals of listed building consent and planning permission by the same Council, all concerning the above mentioned land and buildings. I held an inquiry into the appeals on 3 and 4 July 1996. At the inquiry a full and partial application for costs was made on behalf of your client against Dacorum Borough Council and the Council made a claim for partial costs against your client. These costs applications are the subjects of separate letters.

2. I have dealt with the appeals (A, B, C and D) in the order as set out in both your client's and the Council's proofs of evidence. I have referred to he planning enforcement notice as Notice 1 and to the Listed Building Enforcement Notice as Notice 2.

Appeal A: The s20 listed building consent appeal.

3. This is an appeal made under s20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) against a decision by the Council to refuse listed building consent (ref 4/0435/95) for the insertion of a new door within an existing window on the rear elevation. The application was dated 31 March 1995 and the refusal notice was issued on 1 June 1995.

Appeal B: The s78 planning appeal.

4. This is an appeal made under s78 of The Town and Country Planning Act 1990 (TCPA) against a decision by the Council to refuse planning permission (ref 4/0439/95) for the retention and relocation of an existing marquee and the erection of a marquee for the summer season and other works. The application was dated 5 April 1995 and the refusal notice was issued on 1 June 1995. I

have referred to the description of the development as outlined on the original application form. However, the appeal was eventually made in relation to the 'erection of a marquee for the summer season and other works' It is on this basis that I have dealt with Appeal B.

Appeal C: The planning enforcement notice appeal. Notice 1.

5. This appeal is made under s174 of the TCPA 1990 against an enforcement notice:

a. The notice was issued on 7 June 1995.

b. The breaches of planning control alleged in the notice are, without planning permission:

(i) The creation of a pathway constructed of concrete paving slabs within the old walled garden adjacent to the eastern wall of the garden (shown coloured brown on the attached plan 2).

(ii) The construction of a timber base intended for use as the floor of a marquee ('marquee 1') within the area known as the old walled garden (marquee 1 shown edged blue on the attached plan 2).

(iii) The construction of a canvas and tubular metal frame pedestrian walkway connecting marquee 1 to the western wall of the coach house (the walkway shown edged green on the attached plan 2).

(iv) The erection of a marquee ('marquee 2') supported by metal framework with a timber and concrete base within the courtyard of the stable block (the courtyard shown edged red on the attached plan 2).

(v) The construction of a metal and timber pedestrian walkway connecting marquee 2 to the coach house and golfhouse (the walkway is shown hatched pink on the attached plan 2).

c. The requirements of the notice are as follows:

(i) Remove all the concrete paving slates and any sub-structure from within the old walled garden and reinstate the ground to its former condition.

(ii) Remove the timber base and attendant groundworks from the old walled garden.

(iii) Remove the canvas and tubular metal frame pedestrian walkway connected to the western wall of the coach house.

(iv) Remove marquee 2 and its framework and base and make good to the surface of the courtyard of the stable block to its former condition.

(v) Remove the metal and timber pedestrian walkway connecting marquee 2 to the coach house and golf house.

d. The time for compliance with these requirements is six months.

6. The appeal is proceeding on grounds (a), (c) and (g) as set out in Section 174(2) of the TCPA 1990, as amended by the Planning and Compensation Act 1991.

7. However, by letters dated 26 April 1996 and 24 May 1996 appeals against some of the allegations in Notice 1 were withdrawn. This was because the alleged contraventions had been complied with and appeals against allegations (iv) and (v) were withdrawn. The notice, therefore, became effective in respect of these two matters and they were not considered during the course of the inquiry. Appeal A continued in relation to allegations (i), (ii) and (iii) only, each part being appealed against on grounds (a), (c) and (g).

Appeal D: The listed building enforcement notice appeal. Notice 2.

8. This appeal is made under s39 of the PLBCAA 1990 against the issue of an listed building enforcement notice:

a. The notice was issued on 7 June 1995.

b. The alleged contraventions of listed building control are as follows:

(1) The construction of a timber base intended for use as the floor of a marquee ('marquee 1') within the area known as the old walled garden (marquee 1 shown edged blue on the attached plan 2).

(2) The construction of a canvas and tubular metal frame pedestrian walkway connecting marquee 1 to the western wall of the coach house (the walkway shown edged green on the attached plan 2).

(3) The alteration in the opening of the western wall of the coach house (as indicated on the attached plan 2).

(4) The erection of a marquee ('marquee 2') supported by metal framework with a timber and concrete base within the courtyard of the stable block (the courtyard shown edged red on the attached plan 2).

(5) The construction of a metal and timber pedestrian walkway connecting marquee 2 to the coach house and golfhouse (the walkway is shown hatched pink on the attached plan 2).

(6) The laying of concrete paving slabs over original pavers in the courtyard and the removal of two areas of those pavers (both shown edged brown on the attached plan 2).

(7) The alteration to the former coach house to create a bar and reception area (shown coloured orange on the attached plan 2).

(8) The creation of a concrete and timber base previously used as the floor of a marquee abutting the rear of the main house (shown edged purple on the attached plan 2).

(9) The installation of two floodlights overlooking the car park on the northern and southern ends of the eastern elevation of the main house (as indicated on the attached plan 2).

(10) The construction of low brick and flint guard walls adjacent to the entrance to the 'Sportsman's Bar' on the eastern elevation of the main house.

c. The requirements of the notice are as folows:

(i) Remove the timber base and attendant ground works from the old walled garden.

(ii) Remove the canvas and tubular metal frame pedestrian walkway connected to the western wall of the coach house.

(iii) Restore the opening in the western wall of the Coach House to its former condition and size and reinstate the brickwork and mortar to match the adjacent original materials.

(iv) Remove marquee 2 and its framework and base and make good the surface of the courtyard of the stable block to its former condition.

(v) Remove the metal and timber pedestrian walkway connecting marquee 2 to the coach house and golf house.

(vi) Remove the concrete paving slabs from within the courtyard area and replace with pavers matching the originals.

(vii) Restore the former coach house to its original form using materialsto match the adjacent original materials.

(viii) Remove the concrete and timber base previously used as the floor of a marquee adjacent to the rear of the main house and restore ground by means of turfing.

(ix) Remove the floodlights from the eastern elevation of the main house and make good the brickwork.

(x) Remove the brick and flint walls and make good any damage caused by their removal.

d. The time for compliance with these requirements is 6 months.

9. The appeal is proceeding on grounds (c) and (e) as set out in Section 39 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. However, again, by letters dated 26 April 1996 and 24 May 1996, appeals against some of the allegations in Notice 2 were withdrawn. As for Notice 1, this was because some alleged contraventions had been complied with to the satisfaction of the authority. With respect to Appeal D, appeals against allegations (3), (4), (5), (6) and (7) were withdrawn and the matters were not considered any further at the inquiry. In addition to the withdrawl of these five allegations the Council confirmed that allegation (8) had been incorrectly made, since the concrete base referred to had been in position prior to the date of listing. The Council withdrew the allegation and requirement in respect of the concrete base. Therefore, I have not considered allegations (3) to (7) inclusive and I shall correct Notice 2 by deleting allegation (8) and requirement (viii). I have dealt with each of the remaining allegations under grounds (c) and (e) as pleaded.

The Appeals building, the site and the surrounding area.

11. Shendish House is a Grade II listed, mid 19th century, country house set in 43 ha of land, approximately 2km to the south of Hemel Hemstead town centre. The original house dates back to 1854 but there have been considerable additions and alterations over the years. These include a garden room wing of 1871; a new entrance porch of 1902; a garden porch dated 1910 and and the start of a 1947 ballroom extension. This latter addition was not completed. The main house is neo-Jacobean in style and constructed of grey brick with Bath stone dressings. It is two storeys in height with additional accommodation within the roofspace and at basement level. The list description refers to the attached walled garden and octagonal summerhouse.

12. The property now comprises the main house, a golf clubhouse, various other outbuildings, the walled garden, the gazebo and the rest of the grounds; comprising lawned areas, gardens and woodland. To the west of the house the A41 by-pass has recently been completed and, to the east, a long access driveway climbs up from the London Road, the A4251. Apsley railway station is located close to the access, to the north west. Apsley Manor Farm and a small grouping of residential properties are located to the north and west of the house and its walled garden. Beyond the A41 by-pass to the south and west, there is a belt of farmland.

Background Information

13. Your clients purchased the property in 1993. Immediately prior to this, the house and its grounds had been owned by PBH Properties. There is no record of any planning application prior to 1987, but there is no dispute that

the house and its grounds had been used for a considerable period as a sports and social club complex by the John Dickinson Paper Mills company.

14. Since 1987 various planning permissions and consents have been granted for, amongst other things, a nine-hole golf course; conversion of the Clock house; an extension of the golf course to 18 holes and other internal alterations. Following a called-in inquiry, in 1994, listed building consent and planning permission for extensions and alterations to a country house hotel were refused consent. This scheme was referred to as Hotel Scheme 1 during the course of the inquiry. Your clients have now submitted another hotel scheme (Hotel scheme 2) and this is in the process of being considered by the authority.

15. In June 1994, enquiries began into alleged unauthorised works to the coachhouse; the erection of marquee 1 within the walled garden; pedestrian access to the coachhouse; the erection of Marquee 2 within the courtyard and other works. Following a withdrawl of applications for planning permission and listed building consent in August 1994, enforcement action (Notices 1 and 2) was authorised by the authority to secure the reinstatement of the courtyard buildings and to remove the marquees.

16. Some of the requirements of the notices have already been complied with and this resulted in the amended appeals referred to above. In May 1995 your clients submitted an application for planning permission for the erection of a temporary marquee in the walled garden and an application for listed building consent for the formation of a new doorway within an existing window. These are now the subject of the s78 and s39 appeals respectively. The full planning history as set out in the Council's appendices is agreed although it was stressed, on behalf of your client, that the schemes were more comprehensive than the extensive list suggested.

Appeal A: The s20 listed building consent appeal: The new doorway.

17. The main issue is the effect that the proposal would have on the preservation of the listed building and on one of its features of special architectural or historic interest. I have had special regard to the requirements of s16(1) of the PLBCAA 1990 and I have considered all of the other material considerations including Planning Policy Note 15 (PPG15).

18. It is indicated that the new door is required in order to provide direct access to the rear lawn from the basement bar. From the rear lawn it would then be easy to access the gardens and marquee 1. At present the alternative route is via the front of the main house and, either around its southern end or through the golfhouse and new gynasium. The new access is required to enable persons to attend functions in marquee 1. It is also contended that, in the long term, this need will still arise in order to maintain an access from the basement bar and to provide a secondary means of escape.

19. It is contended that the proposal is similar to the situation whereby a new door was recently inserted into a former window opening in the front elevation. It is also stressed that the design would result in a limited visual impact in the context of the imposing grand scale of the elevation; that it would not detract from the appearance of the elevation; that the visually harmful fire escape and the screen hedging would restrict views of the new door and that the Council has already granted consent for one door as well as accepted the need for a second door from the former garden room.

20. Having carefully considered the scheme, I share the Council's concerns about the impact of the proposed door on the listed building. Whilst accepting that the new doorway would facilitate ease of access to the rear lawn and marquee 1, it is my opinion that the loss of such a significant mullioned window is not justified in this particular case. Despite being screened by both the fire escape and the hedge, I consider that the doorway, as detailed, would detract significantly from the character and appearance of the listed building. I have considered the appeal on its merits and I am not satisfied that all possible alternative methods of access to the rear lawn from the basement have been fully explored.

21. I also disagree that this is a similar situation to that at the basement frontage. Despite the fire escape, and irrespective of whether or not the structure remains in position, I consider that the appeal window is a significant and special architectural and historic feature. Its loss and inappropriate conversion to a doorway cannot be justified, in my view, simply in order to achieve a more convenient access on to the rear lawn and/or beyond, into the walled garden. I acknowledge that a more comprehensive future scheme may well justify the opening up of this or other structural openings but, on the information before me, I am not satisfied that this particular alteration should be allowed to proceed.

Appeal B: The s78 planning appeal; Appeal C on ground (a) and the deemed application in relation to Appeal C.

22. The main issue in these cases is the effect that marquee 1 has had on the setting of the walled garden and the listed building. I have had special regard to the requirements of s66(1) of the PLBCAA 1990, to the development plan and to all other material considerations including PPGs 1, 2 and 15.

23. The development plan comprises the Hertfordshire County Structure Plan (HCSP) incorporating the 1991 Approved Alterations and The Dacorum Borogh Local Plan (DBLP) which was formally adopted in April 1995. Policies within both the HSCP and the DBLP generally reinforce national guidance in respect of development within the Green Belt and development which affects listed buildings.

24. Because the proposal involves development within the curtilage of an existing building and would be used for purposes that are related to an existing commercial use, the Council states that 'in these circumstances there are no objections to the scheme on Green Belt grounds'. However, PPG2 is quite clear that inappropriate development is, by definition harmful to the Green Belt and that very special circumstances, to justify inappropriate development, will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

25. Policy 3 of DBLP states that very small scale building, which is necessary to sustain an acceptable use, will be permitted provided it has no adverse impact on the character, function and appearance of the Green Belt. Policy 109 seeks to protect listed buildings and states that every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

26. Having seen marquee 1 in position, it is my opinion that it is detrimental to the general charcter of the walled garden. Whilst accepting that some summer use of this type of marquee may be necessary in circumstances such as these, a prolonged temporary use has a significant effect on the setting of the listed building. By their very nature, appearance and construction, marquees are perceived as being temporary structures. In this case, the non permanent characteristics of marquee 1 are evident and it is my view that a temporary permission of 2 years or even just one year is unacceptable in this particular location. I have considered the advice set out in Circular 11/95 regarding temporary permissions.

27. In my view the marquee, the canvas and metal link and the basic concrete slab pathways result in a most incongruous, incompatible and out of scale addition within the walled garden. The combined effect of these additions is harmful to the setting of the listed building. Nor am I convinced that the imposition of any combination of the suggested conditions could overcome the harm. The proposal, in my view, is contrary to the relevant development plan policies and the other material considerations do not indicate to me that a decision ought to be made in favour of the works as carried out.

28. I have considered all of the other special circumstances of this case and, even if there were sufficient very special circumstances to outweigh the harm caused in principle to the green belt, these would not, in my view, outweigh the harm caused to the setting of the listed building. Whilst accepting all of your client's financial and practical arguments relating to the need for the marquee, I do not find that these matters constitute a situation whereby the development could be seen as an enabling development for the preservation of the listed building. I do not consider that the listed building is in such a state whereby a granting of permission for a marquee use is necessary for its preservation as a building of architectural and historic interest. As the 1994 Inspector found, the building is still in reasonable condition and your client's commendable improvements since that time reinforce my view in this respect. I intend, therefore, to dismiss Appeal B. Also Appeal C fails on ground (a) and I do not intend granting planning permission on the appeal deemed to have been made under s 177(5) of the amended Act.

Appeal C: The planning enforcement notice appeal. Notice 1.
The appeal on ground (c)

29. The marquee base, the marquee and the concrete slab pathways appear to have been carried out as one operation to facilitate the use of the marquee as a function venue in relation to the other uses at Shendish. Under s336 of the TCPA 1990 the definition of a 'building' includes any structure or erection. As a matter of fact and degree it is my view that the marquee is a structure and that the other elements (base and pathways) facilitate its use. Whilst accepting that the mere laying of paving slabs might not have constituted development, it is my view that the works carried out by your client, within the walled garden, constitute development and that they are not 'de minimis'.

30. In my view the works comprise an addition and/or alteration to the building grouping and they do not constitute permitted development. It follows, therefore, that I consider a contravention of planning control has occurred and the appeal fails on ground (c).

The appeal on ground (a) and the deemed application.

31. I have dealt with this ground of appeal in paragraphs 22 to 28 above.

The appeal under ground (g)

32. The Council considers that 6 months is a reasonable period for compliance with the notice but your client takes the view that 2 years is appropriate and reasonable in the overall circumstances of this case.

33. Having considered the full planning history of the site, particularly after 1993, it seems evident to me that your client is taking the stewardship of Shendish very seriously. Whilst not condoning any of the unauthorised works, there is some evidence of successful liaison with the authority to bring parts of the building and grounds into positive and beneficial uses both in terms of the overall business and in relation to the preservation of Shendish. The completion of the golf house and gym and the internal alterations to the main house reinforce my view. In relation to the marquee however, liaison with the authority, for whatever reasons, has broken down, resulting in enforcement action.

34. However, I accept that there may well be a financial need to continue using marquee 1 in order to generate funds for further works to the listed building. The authority did not produce any financial evidence to dispute your client's figures. In these overall circumstances, therefore, and bearing in mind the fact that negotiations regarding Hotel Scheme 2 will have to proceed, it seems to me to be appropriate to allow a slightly longer compliance period than normal in this case. This should enable constructive dialogue, rather than further confrontation, to take place, hopefully resulting in a constructive and continued preservation of the listed building.

35. Clearly the authority will have to consider Hotel scheme 2 on its merits and although referred to during the course of the inquiry, this is not a matter before me. Whilst not accepting that there are sufficient reasons to allow a temporary permission for the marquee, I consider it appropriate and reasonable to extend the compliance period to 15 months. This will allow a continuation of use for this summer as well as for the summer of 1997. I consider that this should be an adequate period to resolve, one way or another, any further proposals whether it be Hotel Scheme 2 or some other scheme. Appeal C succeeds to this limited degree, therefore, on ground (g) and I shall vary the notice accordingly. I am satisfied that this course of action does not cause any injustice to the authority.

Appeal D: The listed building enforcement notice appeal. Notice 2. Allegations 1 and 2 on ground (c), the pathway, the base, and the marquee.

36. Section 1(5) of the PLBCAA 1990 sets out what is meant by 'listed building' for the purposes of the Act. At s1(5)(a), it is confirmed that this includes 'any object or structure fixed to the listed building'. If an object or structure is not fixed to the building and it was not within the curtilage of the building prior to 1 July 1948, listed building consent is not required for the object or structure.

37. With regard to the marquee, the link, and the groundworks I am not convinced that on the date the notice was served these 'objects or structures' were fixed to the listed building. Whilst noting the evidence given and

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Appeal C T/APP/C/95/A1910/639189
Appeal D T/APP/F/95/A1910/639167

Date:
19 JUL 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 174 AND 175(7) AND SCHEDULE 6. LOCAL GOVERNMENT ACT 1972, SECTION 250(5) PLANNING (CONSEQUENTIAL PROVISIONS) ACT 1990, SCHEDULE 4 APPEALS BY SHENDISH MANOR CONFERENCE AND LEISURE CENTRE.

1. I refer to the partial application for costs made on behalf of Dacorum Borough Council, against Shendish Manor Conference and Leisure Centre, in respect of these appeals, which I have determined following an Inquiry held on 3 and 4 July 1996.

2. I enclose my decision on this application for costs.

Yours faithfully,

ANTHONY J WHARTON BArch RIBA RIAS MRTPI
Inspector

accepting that the sloping section of roof which was attached (to what is now the gymnasium), there was no conclusive evidence produced to suggest that the canvas and metal tubular link was securely fixed to the listed building.

38. The base, the marquee, the link and the concrete slabs are all capable of removal without physically affecting the listed building. As a matter of fact and degree, therefore, I conclude that the erection and laying of these items did not constitute a contravention of listed building control. Thus, although planning permission was required and Notice 1 was relevant for these matters, Notice 2 incorrectly alleged that a contravention was taking place at the time the notice was served. I intend therefore to correct the notice by deleting allegations 1 and 2, together with the respective requirements (i) and (ii). The appeal under ground (c) in respect of these matters only is, therefore, successful and I shall not deal with them under ground (e).

Allegation (9) on ground (c): The Floodlights

39. It is accepted that the two floodlights are physically fixed to the front elevation of the main house and I noted the fixing method as well as some surface wiring at the time of my visit. In my opinion these are 'objects' fixed to the listed building and I do not accept that they are 'de minimis'. I consider that they materially affect the character and appearance of the building and, irrespective of their particular effect, listed building consent is required. Your client does not have the benefit of consent and I must conclude, therefore, that a contravention of listed building control has occured. The appeal in respect of the floodlights fails on ground (c).

Allegation (9) on ground (e): The Floodlights

40. The main issue is the effect of the floodlights on the listed building, on its setting and on its features of architectural and historic interest. I have paid special regard to the requirements of s16(2) of the PLBCAA 1990.

41. Having viewed the floodlights, from both near and distant viewpoints, I consider that they are visually obtrusive and harmful to the front of this fine building. Whilst accepting the security and safety requirement for some form of illumination within this part of the grounds, I consider that these particular fittings are most inappropriate. As well as being large and obtrusive, the surface wiring to one of the lights exagerates and exacerbates the overall effect. It would appear that the fittings were originally used at low level to illuminate the front of the building and have simply been re-located at high level to shine down on to the parking area.

42. In my view these particular fittings harm the character and appearance of the front of Shendish House and detract from its overall setting as well as from the interesting architectural and historic features of the facade. I do not consider that listed building consent ought to be granted for their retention and Appeal D fails on ground (e) in respect of these floodlights.

Allegation 10 on ground (c): The low brick and flint walls

43. Having inspected the walls at the entrance to the 'Sportsman's Bar', it is my opinion that these are 'fixed' to the ornate wall which fronts Shendish. In the absence of any listed building consent for their construction it is my view that a contravention of listed building control has occurred. In relation to this part of the works Appeal D also fails on ground (c).

Allegation 10 on ground (e): The low brick and flint walls

44. The main issue is the effect of the walls on the listed building, on its setting and on its features of architectural and historic interest. I have paid special regard to the requirements of s16(2) of the PLBCAA 1990.

45. The stone balustrading to the front of the listed building is referred to in the list description. In my opinion, it is a significant and important architectural feature. Although the new brick and flint walls have utilised similar materials to other brick and flint walls within the grounds, I consider that, in this location, they detract markedly from the appearance of the stone balustrade. The difference in materials, colour, texture and finish of the new walls results in obtrusive and alien elements to the frontage of the building. The two sections of walling bear no relationship to the well-detailed stone balustrading. No attempt has been made, in my view, to integrate with the design of the balustrading. The difference in height exacerbates the effect of the new walls.

46. Whilst acknowledging the need for the walls in relation to providing a safe access to the basement bar, I consider that these particular walls are harmful to the listed building, to its setting and to one of its important architectural and historic features. I do not intend, therefore to grant listed building consent for the retention of the walls and Appeal D fails on groround (e) in this respect.

Other matters relating to all four appeals

47. In reaching my conclusions, I have had regard to all of the other material considerations raised. These include the full planning history of Shendish, the detailed comments on national, strategic and local planning policies and guidance; the commendable works already carried out to Shendish under your client's stewardship; the aims and objectives of future proposals; the need to maximise income from the present situation and the current inconveniences regarding the logistics of usage in relation to functions. However, none of these factors carries sufficient weight to outweigh the considerations which have led to my conclusions in each particular case. Nor is any other matter of such significance to change any of my decisions.

Formal Decisions
Appeal A: The s20 listed building consent appeal.

48. For the above reasons and in exercise of the powers transferreed to me, I hereby dismiss Appeal A.

Appeal B: The s78 planning appeal.

49. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss Appeal B.

Appeal C: The planning enforcement notice appeal. Notice 1.

50. For the above reasons and in exercise of the powers transferred to me, I hereby direct that the enforcement notice be varied by deleting the figure and word '6 months' at the end of part 5 of the notice and by substituting therefor the figures and words '15 (fifteen) months'. Subject thereto I dismiss Appeal C, direct that the notice, as varied, be upheld and refuse to

grant planning permission on the application deemed to have been made under Section 177(5) of the amended Act.

Appeal D: The listed building enforcement notice appeal. Notice 2.

51. For the above reasons and in exercise of the powers transferred to me, I hereby direct:

1. that the notice be corrected by deleting the allegations set out in parts 3(1) and 3(2) of the notice: 'The unauthorised works'.
2. that the notice be corrected by deleting the allegation set out in part 3(8) of the notice: 'The unauthorised works'.
3. that the notice be varied by deleting parts 5(i), 5(ii) and 5 (viii) of the notice: 'What you are required to do to restore the building to its former state and to alleviate the effect of the works described above'.

52. Subject thereto, I hereby dismiss Appeal D, direct that the notice be upheld, as corrected and varied, and refuse to grant listed building consent for the retention of the following works (relating to the numbered allegations as set out in part 3 of the notice: 'The unauthorised works');

(3) The alteration in the opening of the western wall of the coach house (as indicated on the attached plan 2).
(4) The erection of a marquee ('marquee 2') supported by metal framework with a timber and concrete base within the courtyard of the stable block (the courtyard shown edged red on the attached plan 2).
(5) The construction of a metal and timber pedestrian walkway connecting marquee 2 to the coach house and golfhouse (the walkway is shown hatched pink on the attached plan 2).
(6) The laying of concrete paving slabs over original pavers in the courtyard and the removal of two areas of those pavers (both shown edged brown on the attached plan 2).
(7) The alteration to the former coach house to create a bar and reception area (shown coloured orange on the attached plan 2).
(9) The installation of two floodlights overlooking the car park on the northern and southern ends of the eastern elevation of the main house (as indicated on the attached plan 2).
(10) The construction of low brick and flint guard walls adjacent to the entrance to the 'Sportsman's Bar' on the eastern elevation of the main house.

Rights of Appeal against Decisions

53. This letter is issued as the determination of the four appeal before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully

ANTHONY J WHARTON BArch RIBA RIAS MRTPI
Inspector

APPEARANCES

References: T/APP/A1910/E/95/811793
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For the Appellant

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He called

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Hemel Hempstead
Herts HP3 0AA

Mr Trevor Nicholas — Security Officer
Shendish House
address as above

For the Planning Authority

Miss H Mountfield of Counsel instructed by the Solicitor to the Council

Dacorum Borough Council
The Civic Centre
Hemel Hempstead
Herts HP1 1HH

She called

Miss J E Custance BA MRTPI — Planning Department
Dacorum Borough Council

Mr C Kingsley Fulbrook BA Dip TP Dip Arch Con MRTPI — Planning Department
Dacorum Borough Council

Mr M Price-Jones — Planning Department
Dacorum Borough Council

DOCUMENTS

References: T/APP/A1910/E/95/811793
T/APP/A1910/A/95/254859
T/APP/C/95/A1910/639189
T/APP/F/95/A1910/639167

Doc 1. - List of Persons present at Inquiry (2 days).

Doc 2. - Copy of Notification Letter and Notices 1 and 2.

Doc 3. - Copy of Letter from DBC to DL Associates dated 9 February 1996.

Doc 4. - Extracts from DBC Committee Reports, & photographs B&W.

Doc 5. - Appendices to LPA's Proofs of Evidence.

Doc 6. - Appendices to Appellant's Proofs of Evidence.

Doc 7. - Copy of Letter from DL Assoc to DBC dated 4 January 1996.

Doc 8. - Copy of Letter from DBC to DL Associates dated 22 December 1995.

Doc 9. - Copy of Letter from D L Associates to DBC dated 3 June 1994.

Doc 10. - Copy of Letter from D L Associates to DBC dated 10 August 1994.

Doc 11. - Copy of DBC Dev Control Committee Report 1.6.95.

Doc 12. - Copy DBC Doc re 4/0435/95LB and 4/0439/95FL. Annex D.

PLANS

Plans A - Plans forming part of the Enforcement Notices Nos 1 and 2.

Plan B - Layout 6/93: Dwg No 6383/42.

Plan C - Location Plans.

Plan D - Perspective proposals for Hotel Scheme 2. 4/0351/96 FL

PHOTOGRAPHS

Photos 1 to 8 inc - DBC Officer photographs dated 5.6 95; 13.4.94; and 15.6.94.

Photo 9 - B&W photocopy showing Marquee and on page '45'.

Photo 10 - B&W photocopy showing front elevation of Main House.

Photo 11 - B&W photocopy showing outbuildings/ladies bowls/and garages.

Photo 12 - B&W photocopy showing tabling and seating on lawned area.

Photo 13 - B&W photocopy showing marquee and round-headed windowws.