



Departments of the Environment and Transport

Eastern Regional Office (Environment)

Heron House 49-51 Goldington Road Bedford MK40 3LL

Telex 82481

Telephone 0234 (Bedford) 63161 ext 637

Facsimile 303

CHIEF EXECUTIVE
OFFICER

9 AUG 1989

File no.

Refer to ... CPO ...

Cleared ... 9/8

Lee Reading Harbinson
Priory Building
Church Hall
ORPINGTON
Kent
BR6 OHH

Your reference

SK330

Our reference

APP/A1910/A/88/095602

APP/F/88/A1910/000001

Date

8 AUG 1989

Received

- 9 AUG 1989

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36 AND 97(1), AS AMENDED BY
THE LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981 AND
THE HOUSING AND PLANNING ACT 1986
APPEALS BY HARROVIAN ESTATES
APPLICATION NO.4/0451/88
4/1200/88E

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeals under:-

(a) Section 36 of the Town and Country Planning Act 1971 against the decision of Dacorum Borough Council to refuse outline planning permission for the erection of 3 no.2 storey houses at the rear of the existing property and convert the stable building into a bungalow on land at 69B Langley Hill, Kings Langley, Hertfordshire; and

(b) Section 97(1) of the Town and Country Planning Act 1971 (as amended) against a listed building enforcement notice alleging that certain work specified in the notice had been executed in contravention of section 55(1) of the Act. The work alleged to have been carried out without listed building consent is the demolition of the eastern part of no.69B Langley Hill.

The appeal against the notice was made on the grounds set out in paragraphs (a) and (e) of Section 97(1) of the 1971 Act (as amended).

2. An officer of the Department has visited the site and has considered the written representations made in support of the appeals together with those of the Council. A copy of his report is appended in this letter. He recommended that, in view of the considerations expressed in paragraphs 10 to 20 of his report, the appeals should be dismissed and the listed building enforcement notice upheld.

3. Careful consideration has been given to all the arguments for and against the appeals proposals and to the officer's conclusions and recommendations. Dealing first with the listed building enforcement appeal, the Secretary of State agrees with the officer's appraisal and his conclusions that in respect of ground (a), the listed building as a whole is of special architectural interest and in respect of ground (e), that the proposed development would preserve neither the stable block nor the louvred timber roof upstand which is a feature of special architectural interest and that there is insufficient information available to conclude that an appropriate and sensitive scheme would be achieved. Therefore he sees no reason why listed building consent should be granted.

4. Turning to the S36 appeal, he agrees with the officer that the case turns on the adequacy of the proposed vehicular access and the effect it would have on the Kings Langley Conservation Area and the listed building. He shares the officer's view that the proposed covered way which forms part of the bungalow scheme would not be wide or high enough to enable convenient and safe access to three dwellings at the rear of the site. He notes that, if the listed building enforcement notice is upheld, the vehicular access to the three detached houses with integral garages could not be provided as shown in your clients' site layout plan and that this involves demolition of additional parts of the stable block and a small detached store. Bearing in mind the conclusion he has already reached on the listed building enforcement appeal and notwithstanding your clients' willingness to modify the location of the proposed access road, he agrees with the officer's conclusions that the proposals would neither preserve nor enhance the character and appearance of the Conservation Area but would significantly harm them, and that they would not preserve the listed building, its setting or the louvred timber roof upstand.

X 5. All other matters have been considered but, for the reasons given above, the Secretary of State agrees with the officer's recommendations. Therefore he hereby dismisses your clients' appeals and upholds the listed building enforcement notice X

6. This letter is issued as the Secretary of State's determination of your clients' appeals. Under the provisions of Section 246 of the 1971 Act, an appeal may be made to the High Court on a point of law in respect of the appeal under Section 97(1) of the Town and Country Planning Act 1971 (as amended). Any such appeal must be made within 28 days of the date of this letter (unless the period is extended by the Court). A separate notice is enclosed setting out the circumstances in which the validity of the Secretary of State's decision on the appeal under Section 36 of the 1971 Act may be challenged by the making of an application to the High Court.

I am Gentlemen
Your obedient Servant

R W HIRST
Authorised by the Secretary of State for the Environment
to sign in that behalf

ENC

Tollgate House
Houlton Street
Bristol
BS2 9DJ

Date:

To the Right Honourable Nicholas Ridley MP
Secretary of State for the Environment

Sir

I have been asked to advise on two appeals by Harrovian Estates, the first made under Section 97 of the Town and Country Planning Act 1971 as amended against a listed building enforcement notice issued by the Dacorum Borough Council concerning a building at 69B Langley Hill Kings Langley, and the second made under Section 36 of the Act against a refusal of planning permission by that Council concerning land at 69B Langley Hill Kings Langley. I carried out an inspection on your behalf on 9 May 1989. A list of persons present at the site visit follows.

The Listed Building Enforcement Notice

1. (i) The date of the notice is 9 May 1988.
- (ii) The contravention of Section 55(1) of the Act alleged in the notice is the demolition of the eastern part of the building as indicated on the plan attached to the notice without the grant of listed building consent required for the works.
- (iii) The requirements of the notice are to re-instate the said works to their former design and construction in materials which match in colour, texture and appearance those of the remainder of the said building.
- (iv) The period for compliance with the notice is three calendar months.
- (v) The appeal against the notice was made on the grounds set out in Section 97(1) (a) and (e) of the 1971 Act as amended.

The Section 36 Appeal

2. The appeal is against the refusal of outline planning permission for the erection of 3 dwellings and conversion of stables into a dwelling (Application No: 4/0451/88). At the site visit it was agreed that the plans submitted with the application consisted of the 2 (A4 size) plans numbered 1 and 2 respectively.

3. No 69B was included on the 30th statutory list of buildings of special architectural or historic interest for the Borough of Dacorum (Hertfordshire) dated 2 December 1986 under the heading "Nos. 69(a) (Old Palace Lodge) and 69(b) (Langley Mill House)". The list description is as follows:

"House, now 2 houses. Early C19 3-bay centre, later C19 wings to N and S and porch to LH part (No.69(b)). Divided c.1950. Grey brick with buff brick arches. Stucco stringcourse at 1st floor cill level and eaves cornice with blocking course. Brickwork painted on No. 69(a). Hipped roofs, red tile taller roof over S wing. A 2-storeys double-pile plan house facing S with 2:3:2 windows to 1st floor. Recessed sash windows with 6/6 panes and flat gabled

arches. Central round-headed doorway in round arched recess. Similar recesses with square headed windows on each side in centre. Projecting bay at each end, classical with Venetian window to No. 69(b) and canted tiled bay to No. 69(a). Louvred shutters to No. 69(b) and later porch. Included for group value."

The listed building, and the site the subject of the Section 36 appeal, are in the Kings Langley Conservation Area.

4. This report contains a description of the appeal building, the appeal site and the surrounding area, my appraisal (on the basis of my observations and the written representations of the parties) on the various grounds of appeal and my recommendation as to the decisions which might be made in these cases.

APPEAL BUILDING AND SURROUNDING AREA

5. No 69B exists generally in accordance with the list description except that the property appears to be in the process of being converted into 4 flats (Planning permission No: 4/0953/88 and listed building consent No: 4/1324/88LB have been granted for the conversion of 69B into 4 flats). No 69A also appears to generally accord with the list description. Almost all the internal fittings and features of No 69B appear to have been installed as part of the present conversion scheme. New timber windows are in the process of being installed in all the openings on the front elevation, including the "Venetian" window which is referred to in the list description. These comprise sliding-sash windows and fixed lights, all with small-pane glazing, generally in accordance with the list description and the copy of the photograph submitted by the residents of No 69A with their letter dated 18 April 1988. The windows are glazed but unfinished. There is insufficient depth of reveal for putty to be applied in the traditional way.

6. The frames of the windows on the north and west facing elevations of No 69B appear to be made of UPVC. Strips of lead have been stuck on to the outer face of some of the panes of glass. The flats are entered from 3 doors at the west side. It appears that one door and stairway will serve 2 flats on the first floor. One door is in timber and the other 2 are of UPVC moulded to give the impression of traditional panelled timber doors. The west and north facing elevations are mainly finished in render.

7. The remains of the stable block at the west side is "L" shaped. The hipped roof is covered in slate. The stable block contains three rooms or spaces. The south-west space has no windows and two pairs of timber doors facing east on to a small yard. The north-east corner comprises a room with a window facing north, two rooflights and fireplace. Access to this room is from a space to the east, the end of which has been demolished. The roof has been demolished to the east of a square, timber upstand at the ridge which has louvred sides and lead covered roof and weathervane. A small lean-to greenhouse abuts the south wing of the stable block.

8. The southern part of the stable block complex comprises a detached store (referred to variously as a donkey store and pony house). It is constructed of brickwork and has a pitched gable roof covered in slate. Double timber doors on the north side open on to the small yard.

9. The southern part of the appeal site consists of a driveway and some areas of garden with vegetation and trees. A wall with gatepiers, mainly of flintstone, forms the southern boundary of the site. The entrance is at about the centre of the frontage. Between the site boundary and the carriageway there is a wide grassed verge. The part of the appeal site to the north of the buildings has been substantially cleared of all vegetation. However it is generally surrounded by substantial hedges. Nos 69A and 69B are part of

loose-knit linear development each side of Langley Hill. The buildings generally have a traditional appearance and are set within landscaped gardens. Residential development comprising houses and bungalows is taking place between Langley Hill and Vicarage Lane on a site formed from parts of the long rear gardens of the frontage properties. The development borders the north-east corner of the appeal site. The dwellings in the vicinity of the appeal site have already been built. The access to this development is from Vicarage Lane.

APPRAISAL

The Appeal against the Listed Building Enforcement Notice

The Appeal on Ground (a)

10. The appeal on this ground needs to be considered in relation to the state of the building before the matters alleged in the notice took place. Nos 69A and 69B seem to comprise an early C19 house, with a symmetrical front elevation, which has been extended at each side. The design of the extensions, and their relationship to the original house, is of interest and has produced a building of considerable charm and distinctive architectural character. The single-storey stable block, with its attractive timber roof feature, gives an appropriate setting to the house. The listed building makes a significant contribution to the attractive group of buildings in the vicinity of Langley Hill. Under the Principles of Selection of listed buildings at Appendix I of Circular 8/87 most buildings of 1700-1840 are listed, though selection is necessary. Nos 69A and 69B seem to have sufficient special merit to be considered as buildings of special architectural interest. The UPVC windows and doors, and the inappropriate detailing on the windows on the front elevation, significantly detract from the appearance and integrity of the listed building. However their presence does not change my conclusion that the listed building as a whole is of special architectural interest.

The Appeal on Ground (e)

11. The stable block with the east end removed is open to the weather and appears to be structurally unstable. It could not be left in this state. No details have been provided showing how it might be put into a sound structural condition. Nor have details been provided for the conversion of the stable block to a bungalow as part of the Section 36 appeal. From the site layout plan to 1:500 scale, forming part of the application subject to the Section 36 appeal, it appears that further demolition of the stable block would be carried out. The louvred timber roof feature that carries the weathervane would be demolished. No details have been provided of the proposed new roofed entrance portico shown on the site layout plan.

12. In the absence of details there is insufficient information for the impact of the works to be assessed as referred to in paragraphs 77 and 112 of Circular 8/87. I find no reason to conclude that an appropriate and sensitive scheme would be achieved. In these circumstances the granting of listed building consent, subject to conditions regarding the subsequent approval of details of the scheme, would be contrary to the advice at paragraph 112. As to the requirement at Section 56(3) of the Act, the proposed development would preserve neither the building nor the louvred timber roof upstand which is a feature of special architectural interest which it possesses.

13. In coming to this conclusion I have taken into account the planning permission granted (apparently before Nos 69A and 69B were listed) for a scheme to convert the stable block into a dwelling (Application No: 4/0313/86

Drawing No: 279/2A). Such use seems to be a suitable alternative use for the building, as referred to at paragraph 89 of Circular 8/87.

The Section 36 Appeal

14. The principle of developing parts of the rear gardens of the properties fronting on to Langley Hill and those fronting on to Vicarage Lane has already been accepted. Indeed planning permission has been granted for the provision of 2 detached dwellings on the rear part of the appeal site on the basis that vehicular access would come from Vicarage Lane. However the development that has recently taken place to the north-east of the appeal site appears to have effectively prevented vehicular access being provided in this way. The provision of 3 dwellings on the rear part of the appeal site does not seem to be contrary, in principle, to policy in the Structure Plan and in the Dacorum District Plan. I find no reason to conclude that the erection of 3 detached dwellings of appropriate design and in appropriate materials would, themselves, harm the appearance and character of the Conservation Area or would harm the setting of the listed building.

15. The main windows of the ground floor flats would not face directly on to the proposed access road. Screening in the form of fencing or planting could be provided. Therefore the use of the proposed access road, in connection with the residential occupation of the 3 detached houses, would be unlikely to affect, significantly, the amenities of residents of the flats by reason of overlooking. Indeed residents of the flats would be aware of the situation before agreeing to occupy the property. I also conclude that the amenities of residents in the proposed dwellings and in the existing dwellings would not be significantly harmed by overlooking. In my view the proposed development would not result in the provision of an unacceptably small amount of private amenity space for the residents of the proposed dwellings. Although the entrance doors to the flats would be near to the proposed access road, I do not consider that vehicles using the access road would pose any significant hazard to pedestrians connected with the flats. Nor, in my opinion, would vehicles using the access road pose any significant hazard to pedestrians connected with the proposed development.

16. Langley Hill appears to carry a relatively small amount of traffic, and sightlines at the junction between the existing access road and Langley Hill are good because of the presence of the wide grass verge. In my view, the proposed development would not lead to conditions on Langley Hill which would be significantly detrimental to highway safety.

17. However, if the listed building enforcement notice is upheld the proposed vehicular access to the three detached houses with integral garages could not be provided as shown on the site layout plan (Plan No: 1). As referred to in paragraph 13, the conversion of the stable block to form a dwelling seems to be a suitable alternative use for the building. The scheme for which planning permission has been granted, referred to in paragraph 13, incorporates a covered way to provide access to the rear of the property. However, in my view, the covered way, as shown on drawing No 279/2A, would not be sufficiently wide or sufficiently high to enable three dwellings at the rear of the site to be serviced and accessed conveniently and safely.

18. The provision of the proposed access road, as shown on the site layout plan, would result in the demolition of additional parts of the stable block and the small detached store (donkey store). This store is of no special architectural interest in its own right. However it forms an integral part of the stable block complex that gives an attractive and appropriate setting to the house and adds to the special character of the listed building as a whole.

19. The provision of the proposed access road and carparking area to the south of the house would result in the removal of a mature tree and the demolition of some of the boundary walling and a gate pier. No details are given for the treatment of this part of the site.

20. I conclude, on the limited information available to me, that the character and appearance of the Conservation Area would be significantly harmed notwithstanding that the appellant would be prepared to modify the location of the proposed access road. As to the requirement at Section 277(8) of the Act the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area. As to the requirement at Section 56(3) of the Act, the proposed development would not preserve the listed building, its setting, or the louvred timber roof upstand which is a feature of special architectural interest which it possesses.



CHIEF EXECUTIVE OFFICER	
9 AUG 1989	
File no.
Refer to
Cleared

DEPARTMENTS OF THE ENVIRONMENT AND TRANSPORT

RIGHT TO CHALLENGE THE DECISION

Under the provisions of sections 242 and 245 of the Town and Country Planning Act 1971, a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State has exceeded his powers); or
2. that any of "the relevant requirements" have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act; they are the requirements of that Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or under any of the Acts repealed by those Acts.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

DACORUM BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971

LISTED BUILDING ENFORCEMENT NOTICE
(unauthorised works)

To: Harrovian Estates Limited
of 60 George Street, Richmond-Upon-Thames, Surrey.

WHEREAS:

(1) You are [the ~~owner~~] [and] [occupier] of [a ~~person having an interest in~~] the building situate at and known as 69B LANGLEY HILL, KINGS LANGLEY in the County of HERTFORDSHIRE which is more particularly delineated on the attached plan and thereon ~~coloured~~ outlined Red (hereinafter called "the said building").

(2) The said building is a listed building as defined in Section 54 of the Town and Country Planning Act 1971 (hereinafter called "the Act").

(3) The Dacorum Borough Council (hereinafter called "the Council") are the Local Planning Authority (*inter alia*) for the purposes of Parts IV and V of the Act.

(4) It appears to the Council that the following works namely * Demolition of the eastern part of the building (shown coloured green and hatched black)

(hereinafter called "the said works") [have been] [are being] carried out to the said building and that the said works involve a contravention of Section 55 (1) of the Act in that the said works are works for the [demolition] [of part] [alteration] [extension] of a listed building ~~[in a manner affecting its character as a building of special architectural or historic interest]~~ and the said works are not authorised under Part IV of the Act no listed building consent having been granted therefor.

(5) The Council consider it expedient having regard to the effect of the said works on the character of the said building as one of special architectural or historic interest to issue this notice.

NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in Section 96 of the Act the Council **HEREBY REQUIRE** you within THREE calendar months from the date on which this notice takes effect to take the steps specified in the Schedule hereto to restore the said building to its former state.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 97 (3) of the Act, on 13th June 1988 .+

SCHEDULE

To re-instate the said works to their former design and construction in materials which shall match in colour, texture and appearance those of the remainder of the said building.

Dated this 9th day of May 1988 .
Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire HP1 1HH.

(Signed) Keith Hunt.

Borough Secretary

(The officer appointed for this purpose).

Address to which all communications are to be sent.

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL AGAINST A LISTED BUILDING ENFORCEMENT NOTICE contained in Section 97 of the Act. Copies of this section and of other relevant parts of the Act are printed overleaf. **IT IS IMPORTANT THAT YOU SHOULD READ THEM.**

N.B. Delete words in square brackets, as inappropriate.

* Describe the works.

+ Delete in the case of demolition of part or whole of building.

Section 97.

- See attached s.97 amended by HPA 1986*
- (1) A person having an interest in the building to which a listed building enforcement notice relates may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds—
- that the building is not of special architectural or historic interest;
 - that the matters alleged to constitute a contravention of section 55 of this Act do not involve such a contravention;
 - that the contravention of that section alleged in the notice has not taken place;
 - that the works were urgently necessary in the interests of safety or health or for the preservation of the building;
 - that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
 - that copies of the notice were not served as required by section 96(3) of this Act;
 - except in relation to such a requirement as is mentioned in section 96(1)(b)(ii) or (iii) of this Act, the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;
 - that the period specified in the notice as the period within which any step required thereby is to be taken falls short of what should reasonably be allowed;
 - that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;
 - that steps required to be taken by virtue of section 96(1)(b)(ii) of this Act exceed what is necessary to alleviate the effect of the works executed to the building;
 - that steps required to be taken by virtue of section 96(1)(b)(iii) of this Act exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.
- (3) A person who gives notice under subsection (2) of this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed under subsection (4) of this section, a statement in writing—
- specifying the grounds on which he is appealing against the listed building enforcement notice; and
 - giving such further information as the regulations may prescribe.
- (4) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section, and in particular, but without prejudice to the generality of this subsection, may make any such provision in relation to appeals under this section as may be made in relation to appeals under section 88 of this Act by regulations under subsection (5) of that section.
- (5) The Secretary of State—
- may dismiss an appeal if the appellant fails to comply with subsection (3) of this section within the time prescribed by regulations under subsection (4); and
 - may allow an appeal and quash the listed building enforcement notice if the local planning authority fail to comply with any requirement of regulations under this section corresponding to regulations made by virtue of subsection (5)(b), (c) or (e) of section 88 of this Act within the period prescribed by the regulations.
- (6) Subject to subsection (7) of this section, the Secretary of State shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (7) The Secretary of State shall not be required to afford such an opportunity if he proposes to dismiss an appeal under paragraph (a) of subsection (5) of this section or to allow an appeal and quash the listed building enforcement notice under paragraph (b) of that subsection.
- (8) If—
- a statement under subsection (3) of this section specifies more than one ground on which the appellant is appealing against a listed building enforcement notice; but
 - the appellant does not give information required under paragraph (b) of that subsection in relation to each of the specified grounds within the time prescribed by regulations under subsection (4) of this section,
- the Secretary of State may determine the appeal without considering any of the specified grounds as to which the appellant has failed to give such information within that time.
- (9) Where an appeal is brought under this section, the listed building enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.
- (10) Schedule 9 to this Act applies to appeals under this section.

Section 97A

- (1) On the determination of an appeal under section 97 of this Act, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the listed building enforcement notice or for varying its terms.
- (2) On such an appeal the Secretary of State may correct any informality, defect or error in the listed building enforcement notice, or give directions for varying its terms, if he is satisfied that the correction or variation can be made without injustice to the appellant or to the local planning authority.
- (3) Where it would otherwise be a ground for determining such an appeal in favour of the appellant that a person required to be served with a copy of the listed building enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
- (4) On the determination of such an appeal the Secretary of State may—
- grant listed building consent for the works to which the listed building enforcement notice relates or for part only of those works;
 - discharge any condition or limitation subject to which listed building consent was granted and substitute any other condition, whether more or less onerous;
 - if he thinks fit, exercise—
 - his power under section 54 of this Act to amend any list compiled or approved under that section by removing from it the building to which the appeal relates; or
 - his power under subsection (10) of that section to direct that that subsection shall no longer apply to the building.
- (5) Any listed building consent granted by the Secretary of State under subsection (4) of this section shall be treated as granted on an application for the like consent under Part I of Schedule 11 to this Act, and the Secretary of State's decision in relation to the grant shall be final.

Penalties for non-compliance with listed building enforcement notice

Section 98

- (1) Subject to the provisions of this section, where a listed building enforcement notice has been served on the person who, at the time when the notice was served on him, was the owner of the building to which it relates, then, if any steps required by the notice to be taken have not been taken within the period allowed for compliance with the notice, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, or on conviction on indictment to a fine.
- (2) If a person against whom proceedings have been brought under subsection (1) of this section has, at some time before the end of the period allowed for compliance with the notice, ceased to be the owner of the building, he shall, upon information duly laid by him, and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have the person who then became the owner of the building (in this section referred to as "the subsequent owner") brought before the court in the proceedings.
- (3) If, after it has been proved that any steps required by the notice have not been taken within the period allowed for compliance with the notice, the original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of the subsequent owner,—
- the subsequent owner may be convicted of the offence; and
 - the original defendant, if he further proves that he took all reasonable steps to secure compliance with the notice, shall be acquitted of the offence.
- (4) If, after a person has been convicted under the preceding provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the notice, he shall be guilty of a further offence and be liable—
- on summary conviction to a fine of not more than £100 for each day following his first conviction on which any of the requirements of the notice remain unfulfilled; or
 - on conviction on indictment to a fine.
- (5) Any reference in this section to the period allowed for compliance with a listed building enforcement notice is a reference to the period specified in the notice as that within which the steps specified in the notice are required thereby to be taken, or such extended period as the local planning authority may allow for taking them.

Execution and cost of works required by listed building enforcement notice

Section 99.

- (1) If, within the period specified in a listed building enforcement notice as that within which the steps specified in the notice are required thereby to be taken, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the authority may enter the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.
- (2) Any expenses incurred by the owner or occupier of a building for the purpose of complying with a listed building enforcement notice and any sums paid by the owner of a building under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

(2) Any expenses incurred by the owner or occupier of a building for the purpose of complying with a listed building enforcement notice and any sums paid by the owner of a building under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

(3) The provisions of section 91 (3) and (4) of this Act shall apply in relation to a listed building enforcement notice as they apply in relation to an enforcement notice; and any regulations made by virtue of this subsection may provide for the charging on the land on which the building stands of any expenses recoverable by a local planning authority under subsection (1) of this section.

NOTE

Attention is also drawn to Section 243 of the Town and Country Planning Act 1971 which relates, *inter alia*, to the validity of listed building enforcement notices.