

Appeal Decision

Site visit made on 16 June 2006

by **D Roger Dyer** BA DipArch RIBA FCI Arb Barrister

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

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Date
28 Jun 2006

Appeal Ref: APP/J3910/F/05/2005147

Chequers Inn, Market Place, Box, SN13 8NZ

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ivor Bentley (Liquid Leisure Limited) against a listed building enforcement notice issued by the North Wiltshire District Council.
- The Council's reference is 06/00233/APENF.
- The notice was issued on 3 November 2005.
- The contravention of listed building control as alleged in the notice is "without listed building consent, the unauthorised alterations/installation of:
 1. Installation of and associated alterations to the land by the provision of a staircase from the kitchen at the rear of the bar area to the first floor.
 2. Installation of an external flue from a boiler provided in the new kitchen in the area previously occupied by the ground floor toilets serving the public house.
 3. The application of external wooden boards to several windows ("The Windows").
 4. Construction of a new wall running northwards from the north wall of the garage outbuilding".
- The requirements of the notice are:
 - "a) Remove from the Building, the staircase referred to in Schedule 2.1 and restore the ceiling in the kitchen and the flooring of the first floor where the staircase is removed in construction techniques, materials and finishing to match that of the original adjoining ceiling and flooring areas.
 - b) Remove from the Building, the external flue referred to in Schedule 2.2 and restore the external area occupied by the flue, any associated parts and any damage caused to the existing stonework in carrying out the removal works, with natural stone matching the existing stonework in that area in terms of colour, size and bedding of stone, coursing, jointing, pointing and mortar mix.
 - c) Remove from the Windows the external wooden boards and repair any damage caused by the attachment or removal of the wooden boards and fixtures with materials matching in type, colour, texture, pointing and mortar mix, as appropriate.
 - d) Demolish the new wall referred to in Schedule 2.4, remove the resultant materials from the Building and finish the area currently occupied by the wall with at least 150mm of top soil seeded with grass or finish with grass turf".
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 39(1)(c) of the 1990 Act as amended.

Summary of Decision:

The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

1. The property that is the subject of this appeal is a Grade II listed building that dates from the late 17th century or early 18th century. It is a one and a half storey inn built in rubble stone with a stone tiled roof. The exterior of the building has a number of stone
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features that are set out in the list description. The interior is described as having, at the west end, a moulded Tudor-arched fireplace with a moulded stone shelf. Also mentioned is a chamfered and stopped spine beam. The inn stands in the centre of the village of Box at the end of Market Place near the heart of the Box Conservation Area.

2. The Council has drawn my attention to a distinction between the main range and a later wing built in the 19th century. It says the latter part is believed to have been incorporated into the pub about 50 years ago. The staircase to which step a) of the requirements of the notice refers is in the rear range, within a room immediately behind the bar. There have been earlier applications for listed building consent and appeals against refusal of consent together with appeals against listed building enforcement notices, each of which has been dismissed.

The appeal on ground (c): that there has not been a contravention of section 9(1) or (2)

The staircase

3. The appellant says that survey notes dated 2001 and 2004 indicate that alterations to the staircase have been made in the past. He argues that in consequence the staircase has no merit in terms of the listed status of the building. The staircase was relocated through what he describes as a controlled programme of rationalisation of the internal layout that had the aim of minimising disturbance of the historic fabric.
4. I note that the building was listed in 1960. It is apparent from the survey plans before me that alterations to the arrangement of the interior have been made and this includes a relocation of the staircase that is the subject of the listed building enforcement notice. At my site inspection I observed that the staircase had been installed in recent years and undoubtedly later than the date of listing. It has a design that is modern in the sense that its details are unlikely to have featured in the original building. I also noted that the surrounding structure of the floors and ceilings depart from the materials and construction that would have been incorporated before the date of listing.
5. It is equally clear to me that because of these recent arrangements the character of the listed building as one of special architectural or historic interest has been affected. That, in itself, is enough for me to conclude that the appeal on ground (c) in respect of the staircase must fail. This ground of appeal is not concerned with the merits, which would have been considered under a ground (e) appeal.

The external flue

6. At my site inspection I saw that a small balanced flue has been inserted in the external wall at the front of the building. I am told that it serves a heating boiler. The flue has a diameter of about 100mm in total and projects from the wall by about the same amount or less. The appellant says that it is his understanding that the flue was sited at an existing extract location, "thus complying with the need to preserve the existing external appearance of the building". He also draws attention to the high number of modern additions to the elevation such as storm and foul drainage pipe runs with a random location of window openings.
7. I have no evidence, other than the appellant's statement, that there was a flue in this position previously. It is an installation that has been made since the building was listed. It has a mechanical form using modern materials. Although the flue is small I

have no doubt that it affects the character of the listed building as one of historical or architectural interest. Accordingly the appeal on ground (c) must fail.

Wooden boards over the windows and the new wall attached to the garage outbuilding

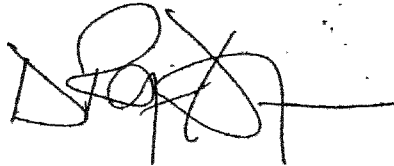
8. These are features that had been removed before my site inspection. There is no appeal against either of these allegations. Accordingly I shall take no further action on these two items.

Conclusions

9. For the reasons given above, and having regard to all other matters addressed to me, I have come to the conclusion that these appeals should be dismissed and that the enforcement notice should be upheld. I am not persuaded that the conditions suggested by the parties, or any other conditions, would overcome the harm that I have identified. In reaching my decision I have taken account of everything brought to my attention in writing but I have found nothing that outweighs the main planning issues of this case.

Formal Decision

10. I dismiss the appeal and uphold the listed building enforcement notice.

A handwritten signature in black ink, appearing to be 'D. R. [unclear]', with a long horizontal line extending to the right.

INSPECTOR