
Appeal Decision

Site visit made on 8 November 2016

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 23 January 2017

Appeal Ref: APP/W3520/F/16/3146294

The Oaksmere, Rectory Road, Brome IP23 8AJ

- 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 by Mr Fraser Duffin against a listed building enforcement notice issued by Mid-Suffolk District Council.
 - The Council's reference is EN/14/00146.
 - The notice was issued on 2 February 2016.
 - The contravention of listed building control alleged in the notice is the erection of a suspended ceiling in two rooms of the restaurant/lounge in the principal building.
 - The requirements of the notice are:
 - Step 1 – to remove the suspended ceiling from the two rooms of the restaurant/lounge in the principal building.
 - Step 2 – to reinstate the ceiling to its original state of construction before the installation of the suspended ceiling.
 - The period for compliance with Steps 1 and 2 is by 30 June 2016.
 - The appeal is made on the grounds set out in section 39(1)(h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is allowed to the limited extent on ground (h), and I direct that the listed building enforcement notice be varied by:

OMISSION of the words '*By the 30 June 2016*' from Schedule 1 to the notice, and,

SUBSTITUTION of the words '*13 months from the date of this decision*'.

Subject to that variation the listed building enforcement notice is upheld.

Preliminary matters

2. The appeal property is a Grade II listed building. I have therefore paid special regard to the desirability of preserving its special architectural and historic interest as required by Sections 16(2) of the Act¹.

Background matters

3. The Oaksmere was previously a rectory, now converted to an hotel that has been extensively refurbished and extended. It stands in extensive grounds on the northern side of Rectory Road. The earliest parts of the building are from the 16th century, but it was substantially re-built in the mid-19th century.

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

4. The suspended ceilings in question are in two of the principal entertaining rooms of the hotel – the Dining Room and Lounge, and the smaller Garden Room. An appeal against refusal of listed building consent for retention of the suspended ceilings was dismissed in May 2015². I also note that a previous listed building enforcement notice was issued on 9 September 2015, but was withdrawn when the Council acknowledged it was defective.

Reasons

5. Ground (h) is that the period specified in the notice as the period on which any step required by the notice is to be taken falls short of what should reasonably be allowed.
6. The parties agree that the compliance period stated in the notice for carrying out both required steps is almost exactly 16 weeks. The appellant does not contest that the required steps should be carried out, but argues that the timing is critical, so that the remedial works can be coordinated with other proposed works that were granted planning permission and listed building consent in November 2015³. Furthermore there should be an adequate lead-in time for the contractor to achieve a compressed contract period, and so that heavily booked periods of occupancy could be avoided.
7. Prior to issue of the second listed building enforcement notice there had been discussions with the Council as to what would be a reasonable compliance period. At that time there would have been an anticipated quiet period for hotel bookings in January 2017, and the appellant proposed that one year would be appropriate to meet the constraints identified. However, the Council took the view that this was excessive because of the length of time since the breach had occurred, and the perpetuation of the harm for a yet longer period.
8. As well as removing the suspended ceiling assemblies themselves, the remedial works would necessarily include protection of the cornices and existing fixtures, removal of fire detection systems, speaker systems, and light fixtures, and making safe the electrical supplies. Reinstatement would include repair and partial replacement of the original ceilings, chasing in otherwise exposed wiring, installation of detectors/speakers/lights, finishing, decorating and cleaning.
9. A contractor's estimate of the time required to carry this out – as well as the other works approved in 2015 – is 5 to 6 weeks. This is on the assumption that adequate lead-in time of 6-8 weeks is allowed for ordering specialised materials and components. It appears to me that at 14 weeks this would be a reasonable and realistic programme.
10. The extended time since the breach occurred has resulted to an appreciable degree from several factors – the appeal against the refusal of listed building consent; the periods before issue of the first listed building enforcement notice and issue of the second notice, and the period before determination of this appeal. I accept that it would be highly undesirable for the harm to the listed building to continue without a foreseeable end date. However, the harm is not generally conspicuous, is not causing any wider damage, and is quite readily remediable. On the other hand, the ceilings are within rooms that are clearly

² Appeal decision ref. APP/W3520/Y/15/3006406, dated 29 July 2015.

³ Decision notices ref. 3377/15 and 3378/15, dated 13 November 2015.

critical to the proper functioning of the hotel, and undertaking the remedial works would put them out of action.

11. While extending the compliance period would inevitably continue the harm for longer, I do not consider this would justify effectively penalising the appellant by applying a compliance period that would necessitate works being carried out during peak booking periods. The preferred time for the works is January, and in my opinion it would be reasonable, on balance, to extend the compliance period so that could be achieved. I therefore consider the period should be extended to 13 months from the date of this decision.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I consider the appeal should succeed to the limited extent on ground (h). I shall uphold the notice with a variation to the compliance period.

Stephen Brown

INSPECTOR