
Appeal Decision

Site visit made on 25 February 2020

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 23 March 2020

Appeal Ref: APP/F2415/F/18/3218695

Skeffington Hall, Rolleston Road, Skeffington, Leicester LE7 9YD

- 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 Miss Clare Marrinan against a listed building enforcement notice (LBEN) issued by Harborough District Council (the LPA).
- The enforcement notice, numbered LBEN605, was issued on 14 November 2018.
- The contravention of listed building control alleged in the notice is unauthorised works to the listed building comprising:

Ground Floor

- (a) Removal of internal walls between kitchen and former utility/boot room and former laundry/boiler room
- (b) Removal of chimney breasts/fire surround in former utility/boot room and staircase to first floor
- (c) Alteration of main entrance and entrance lobby door to accommodate floor level
- (d) The removal of the floor and the installation of a new concrete floor incorporating under-floor heating
- (e) Insertion of stud walls
- (f) Removal of false ceiling and plasterwork to walls
- (g) Insertion of dry lining/plasterboard and re-plastering of walls
- (h) Insertion of steelwork and new ceiling
- (i) Removal of an internal wall within the reception room
- (j) Removal of shutters, skirting boards, picture rails from sitting room
- (k) Alteration of the Tudor chimney piece and alteration of stone fireplace to include a new mantel in reception/hallway

First Floor

- (l) Removal of plasterwork
- (m) Removal of section of panelling in former bedroom 2 and installation of a new section of flooring
- (n) Removal of secondary staircase to the second floor
- (o) Installation of plasterboard to walls with skim finish

Second Floor

- (p) Removal and insertion of stud walls
- (q) Insertion of insulation between rafters, lined with plasterboard
- (r) Removal of plaster/boarding from stone walls and re-pointing
- (s) Cleaning of roof timbers

External works

- (t) Replacement of rainwater goods
- (u) Re-pointing of exterior walls, repairs and re-pointing of castellations
- (v) Refurbishment of entrance doors and replacement plasterwork within the porch

- The requirements of the notice are as follows:

Ground Floor

- (a) Re-instate the internal walls between the kitchen and former utility/boot room and former laundry/boiler room to allow the previous plan form to be legible, using original materials to match the original construction in all respects including any doors, door frames, skirting. Plasterwork and plasterwork at the junction with the ceiling such as cornicing. See extract from King West brochure (2014) ground floor plan, hereafter referred to as **Appendix 1** of this notice.
- (b) Restore the chimney breast in the former utility/boot room. See extract from 2016 Listed Building Application (planning reference 16/01660/LBC), hereafter referred to as **Appendix 2** of this notice.
- (c) Remove stud walls inserted as a result of the unlawful removal of original walls as outlined in a) and b) above
- (d) Remove the concrete floor and underfloor heating currently in situ in the reception room and dining room and reduce the floor level in these areas to the level before these unauthorised works took place by approximately one stair riser and reinstate stone flags.
- (e) Reinstall window shutters, skirting boards and picture rails to the sitting room. If original material has been disposed of use materials and design that reflect the original form. **Appendix 1** of this notice.
- (f) Restore the stone fireplace in the sitting room to its previous form. **Appendix 1** of this notice.
- (g) Restore the Tudor chimney piece in the reception room to its previous form and position. **Appendix 1** of this notice.
- (h) Restore the internal doors to their previous height in rooms serving the sitting room, reception hall and dining room.

External works

- (i) Restore the entrance door in the porch to its original height.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on grounds (c), (e), (h), (i) and (k), as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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Decision

1. The appeal is allowed in part on ground (e) and the LBEN is varied. Otherwise the appeal is dismissed. See formal decision below.

Matters of clarification

2. As can be seen from the allegation and requirements of the notice, the Council has under-enforced. The requirements only relate to unauthorised works to the ground floor rooms, including walls removed in the kitchen area; the raising of the floor in the reception and dining areas and removal of features in the sitting or drawing room. It is on this basis that I have dealt with this appeal on the grounds pleaded.
3. With regard to the grounds of appeal, both ground (i) and ground (k) have been pleaded. These grounds are mutually exclusive and cannot be pleaded at the same time. However, the appeal on ground (k) is misconceived since there is no listed building consent (LBC) in place for the works carried out in 2016. Application 16/01660/LBC, dated 5 October 2016, was refused on 14 June 2017 and the subsequent appeal (see below) was dismissed. The Council also appears to misunderstand that this ground refers to the state in which the building would have been if it had accorded with the terms and conditions of a LBC and not with the requirements of the LBEN.
4. During my visit I inspected the ground floor and the exterior parts to which the requirements of the LBEN relate and noted the rest of the building. I have also noted the previous Inspector's appeal decision (APP/F2415/Y/17/3191504) relating to the unauthorised works which were refused LBC. These were described as '*remodelling of kitchen, re-roofing, redecoration and new boiler*'. The Inspector indicated that the

previous appeal had been dealt with on the basis that the application was retrospective since the works which were subject to the application had already been carried out.

Background information

5. The Grade II* Skeffington Hall was listed in 1951 and dates back to around 1450. It is located within the Skeffington Conservation Area (SCA) and close to the historic Parish Church of St Thomas of Beckett. Parts of the list description are as follows:

'Large House now divided into 2 residences. Circa 1450, extended c1530 and again in early or mid C17 Largely coursed ironstone rubble with white limestone ashlar dressings. Swithland slate roofs. 2 storeyed with attics. H-plan, the oldest part forming the south wing. Main front represents the C17 building, 8-bays, with outer coped gables, each with 2 2-light mullioned and transomed windows on each floor. Central doorway in projecting balustraded porch, the architrave with fluted shafts, and consoles supporting a scrolly open pediment. 1 2-light mullioned and transomed window each side of it on the ground floor, and to the left an additional pair of windows lighting the stairs. Over the porch a canted oriel bay window with mullioned and transomed lights and,

*Inside, intricately wrought wood Tudor chimney piece, with grotesque figures etc.in main hall but probably re-sited from another room. 4-centred arched stone fireplace with Charles I fireback in another room. Victorian drawing room panelled in C17 or C18 style with some armorial glass.
Listing NGR: SK7418302640.*

6. The previous Inspector's decision had dealt the Council's refusal of listed building consent (LBC), for works which involve most of the works listed in section 3 of the notice, as set out above under the alleged contraventions of listed building control. However, as referred to above, only the requirements (a) to (i) inclusive, as set out in section 5 of the LBEN, are required to be carried out.

7. The reasons given by the Council for issuing the LBEN are that the works in section 3 constitute unsympathetic and inappropriate alterations that individually and collectively damage the plan form, character and appearance of the building and that they are contrary to both local and national policies and guidance. In particular, it is considered that they are contrary to Policy CS11 of the Harborough District Local Development Framework Core Strategy 2016-2028 (CS) which seeks to protect Heritage assets; to policy HC1 (Built Heritage) of the Local Plan (LP) and to policies within section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).

8. In reaching my conclusions on the grounds of appeal I have had regard to these relevant local and national policies. Because the building is listed in Grade II* I have had special regard to the requirements of section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I do not consider that any of the works the subject of the LBEN have affected the character or appearance of the conservation area.

The gist of the appellant's case as set out in the appeal statement

9. The appeal statement prepared on behalf of the appellant does not specifically deal separately with each of the grounds of appeal, (c), (e), (h), (i) and (k), as referred to in section 39(1) of the PLBCAA. Instead it sets out what is referred to as a '*Summary of Listed Building Enforcement Notice Appeal*' in paragraphs 1 to 23 inclusive. Within this summary detailed references are made to the previous Inspector's decision and, in particular, the fact that he had found the main issue to be '*whether the works preserve the Grade II* listed building known as Skeffington Hall or any features of special architectural or historic interest it possesses*'.

10. References are made to the several phases of alterations over the years and it is accepted that the Hall remains of considerable architectural and historic interest. It is indicated that, most notably, the Hall was home to Sir William Charles Farrell-Skeffington (1742 -1815) and that during his occupation substantial alterations were carried out to the historic building. These works included the full-height squared bay window in white ashlar and the windows which carry the Skeffington '*coat of arms*' shields.

11. It is stated that the Hall is now substantially in the form overseen by Sir William Charles Farrell-Skeffington and that it is that period which remains the dominant architectural and historic period of interest. This period is noted to have been clearly recorded in various C18 artworks and evidenced in C20 and later photography. It is considered indisputable that the Hall's notable history occurred prior to the Victorian era.

12. It is further contended that the previous Inspector accepted that the internal features range from different periods, mainly Victorian and that the two walls and chimney breast removed in the ground floor kitchen area in the 2016 works are dated from the C19. Thus, it is argued that the Inspector accepted that these works did not form part of the original Hall in 1450, nor at the time of Sir William Charles Farrell-Skeffington's occupation.

13. With regard to the previous Inspector's conclusion that '*even if not original, they contributed to the special interest and significance of Skeffington Hall as part of the phases of works that have taken place to the listed building*', it is argued that this overlooks the significance of the architectural and historic importance of experiencing the open space layout of the south wing enjoyed by Sir William Charles Farrell-Skeffington (and his predecessors) in the C18.

14. It is stated that there is no evidence whatsoever to suggest that there was any wall or chimney breast present in the area of the kitchen prior to the C19. This raises the important question as to which historical and architectural period is of more importance to the Hall: the 400 years of history prior to the Victorian development or the period thereafter, where the space was divided to create a Victorian living space.

15. It is indicated that the previous Inspector had found that the Victorian room was not historically a '*boot room*' within the '*south wing*'. It is argued, therefore that the Victorian layout cannot reasonably supersede the significance of the space lived in by those prior to Victorian times. The fact that the Inspector found that the removed walls and chimney breast were Victorian and that there is no evidence that a chimney breast was ever present suggests that '*it would be a folly to argue that the 2016 works do not preserve the Grade II* listed building nor any of its special architectural or historic interest*'.

16. This is considered especially to be the case since the 2016 spaces recreate the living area that was present from the original house onwards and was enjoyed and enhanced by Sir William Charles Farrell-Skeffington, the Hall's significant occupant prior to the Victorian era. It is further suggested that should there be any doubt about the previous situation, the question is, why would the Victorians build walls and a chimney breast in the same locations, if such walls and chimney breast had already been built previously? It is contended that the answer to this is that, prior to the Victorian era, no such works had been carried out in this part of the Hall.

17. It is concluded that any '*restitution of faux Victorian walls to create a Victorian living area would, therefore, not serve the public any purpose, nor the overriding objective of preserving the special architectural, historic interest or character of Skeffington Hall*'. It is contended that such restitution works would harm the significance of the building, now that it has been established that the removed wall and chimney breast are C19 and not

from the original house, nor the time of Sir Thomas Skevington, Bishop of Bangor; Sir William Skeffington, Lord Deputy of Ireland and Sir William Charles Farrell-Skeffington.

18. With the internal wall now dated it is contended that the public benefit is '*clearly demonstrated at a time when the Victorian plan-form remains determinable by the 2016 works themselves*'. It is contended therefore that there exists no reasonable objection to the '*retrospective application being granted*'. With regard to the 2014 'King West' brochure, the 1970s layout plans show different plan forms and it is argued, therefore, that these can have no special architectural or historic interest.

19. With regard to the removal of the floor to the reception and dining areas it is stated that the architectural and historic interest of the 2014 floor has not been examined under a LBC application and that no heed has been taken in respect of the original floor stone flags being in a poor crumbled state and incapable of being reset. It is indicated that the new stone flags are consistent with the remainder of the Hall and that the under-floor heating, although resulting in a higher floor level, will protect the Hall from the elements.

20. Finally it is argued that the remainder of the LBEN is focused upon the late 1970's decorative features which are of poor materials and quality. These are stated to be an attempt by the previous owners to create faux Victorian detailing such as bordering around the stone fire place in the sitting room '*in a manner consistent with the 1970's creation of a 2nd staircase from the ground floor upwards in the kitchen area , which have no special architectural or historic interest*'.

21. In conclusion it is contended that the 2016 works preserve and restore the Grade II* Skeffington Hall and do not harm its significance and special architectural and historic interest and that the previous Inspector accepted that the kitchen walls were Victorian. It is argued that the 2016 works cannot '*constitute a contravention of planning laws and in fact provide a public benefit in respect of retaining and restoring the substantial historic period of the Hall*'.

The gist of the Council's case

22. The Council has dealt separately with each ground of appeal. With regard to ground (c) the appellant's statement is referred to and the Council is of the view that the appellant's arguments imply that LBC is not required for the works carried out and which are subject to the LBEN. Reference is made to what is required under this ground of appeal and that '*put simply the appellant has not demonstrated why they consider the works carried out, as set out in the notice LBEN605, did not need listed building consent*'.

23. It is stressed that the unauthorised removal of internal walls in the kitchen area and the other unauthorised works have resulted in both loss of the plan-form and historic fabric and that they have had an adverse impact on the special architectural and historic interest of the Hall. It is therefore contended that LBC was required for these works and, therefore that a contravention of the PLBCAA has occurred.

24. Turning to the appeal on ground (e) and that LBC should be granted for the 2016 works carried out, the previous Inspector's decision is referred to and that this dealt with most of the works the subject of this appeal. The '*archaeological puzzle*' (from Pevsner) and the fact that the Hall's features range from different periods are referred to. In particular, reference is made to Victorian and other features and the various phases of work between the C16 and C20. It is stressed that these works have all made a '*considerable contribution to the special architectural and historic interest of the listed building and a strong contribution to its significance*'.

25. Reference is made to the King West and James Sellicks sales particulars showing the layouts in 2014 and 2016 respectively. It is stressed that the differences in the particulars clearly show how the unauthorised works have affected the listed building and

that sections 16 and 66 of the PLBCAA require that special regard be had to preserving the building, its setting and its features or architectural and historic interest. The Council contends that the works have harmed the listed building and that as well as being contrary to the requirements of the Act, they are also contrary to the policies set in in section 16 of the NPPF. It is stressed that these policies require that great weight be given to the asset's conservation and that this is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm.

26. It is further contended that as a Grade II* listed structure, it must be assumed, without clear and convincing evidence to the contrary, that all internal walls and architectural features are highly significant. It is not accepted that the appellant has put forward a robust justification for the alterations which have had a detrimental impact on the Hall.

27. It is stressed that the previous Inspector concluded that the works failed to preserve the special architectural and historic interest of the listed building; that its significance has been harmed; that there are inadequate benefits to outweigh the harm and that there has been a failure to have regard to the NPPF. The Council does not consider, therefore, that LBC should be granted for the works.

28. Without any convincing evidence that the compliance period is insufficient, the Council is of the view that the 12-month period is adequate, sufficient and justified and that the appeal on ground (h) should fail. With regard to ground (i), it is indicated that the appellant has not set out clear reasons why the requirements would not restore the character of the building to its former state. Finally, no clear reasons are set out in the ground (k) appeal.

My assessment

The appeal on ground (c)

29. To be successful on this ground of appeal the onus is upon the appellant to conclusively demonstrate that the work carried out as set out in the LBEN do not constitute a contravention of sections 7 and 8 of the PLBCAA. Section 7 of the PLBCAA states that *'Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special or architectural or historic interest unless the works are authorised'*. Section 8 sets out when works to a listed building are authorised. It matters not who carries out the works or indeed when they were carried out since there are no time restrictions relating to when a LPA can take listed building enforcement action.

30. The appellant contends that the 2016 works preserve and restore the Grade II* Skeffington Hall and do not harm its significance and special architectural and historic interest. Based on the previous Inspector's decision it is argued that the 2016 works cannot *'constitute a contravention of planning laws and in fact provide a public benefit in respect of retaining and restoring the substantial historic period of the Hall'*.

31. However, this misunderstands the basis of an appeal under this ground. Irrespective of whether any works are harmful, what must be assessed is whether or not they have affected the *'its character as a building of special or architectural or historic interest'*. If the character is affected either negatively or positively, then the works must be authorised. In this case there can be no doubt that the works have affected the character of the listed building. What had been a series of smaller rooms are now just one and a corridor; parts of the floor to some of its main spaces have been raised due to new underfloor heating and some architectural and historic features have been altered or

removed (including doors to entrance; the main staircase; a Tudor fireplace and some features from the drawing room).

32. There is no LBC in place for any of the works as set out in the LBEN. In fact LBC was refused and the decision was upheld on appeal. In the absence of a LBC the works clearly are not authorised and a contravention of the PLBCAA must, therefore, have occurred. It follows that the appeal cannot succeed on ground (c).

The appeal on ground (e)

33. The main issues in this appeal are as follows:

- The effect of the works on the character and integrity of the listed building; and
- The effect on its features of special architectural and historic interest.

34. In considering whether or not LBC should be granted for the unauthorised works, I have considered each relevant element of the works carried out and as set out in the allegations, (part 3 of the LBEN) and which are then referred to in the requirements, (part 5 of the LBEN). However, before that, I have considered the main points (the Historic arguments) put forward by the appellant in support of her appeal.

35. These relate to the contentions that the Hall is, at this time, substantially in the form overseen by Sir William Charles Farrell-Skeffington; that, it is that period which remains the dominant architectural and historic period of interest; that the Hall's substantial history occurred prior to the Victorian era and, therefore, that the 2016 works preserve and restore the Grade II* Skeffington Hall and do not harm its significance or any of its features of special architectural and historic interest.

The Historic arguments

36. I acknowledge that the period of ownership and occupation by Sir William Charles Farrell-Skeffington (1742 -1815) resulted in substantial historic alterations to the listed building. It is also evident that this period was significant in establishing some of the most notable features of architectural and historic interest of the Hall, as recorded in the various C18 artworks and as evidenced in C20 and later photographs.

37. However, even if the Hall is now '*substantially in the form overseen by Sir William Charles Farrell-Skeffington*', the other alterations over the years, including some carried out in Victorian times cannot simply be cast aside as not being of architectural and historic interest. In my view, the whole building remains to be one of special architectural and historic interest due to the various phases of work carried out. These include the many major works carried out during the Victorian era.

38. Clearly some of the Victorian alterations, including the subdivision which resulted in the boot room and utility room, have resulted in spaces which reduced the size of the former main rooms in the south wing. It is also clear that these were C19 alterations and I accept that neither would have formed part of the original building, nor indeed the layout at the time of Sir William Charles Farrell-Skeffington. There is some merit in the argument, therefore, that the re-opening-up of the area was acceptable in order to return to the previous more open layout. I return to this point and others below in considering each element of the unauthorised works

39. However, I agree with the previous Inspector that, even if the later Victorian works are not original, they still contributed to the special interest and significance of Skeffington Hall, as part of the phases of works that have taken place to the listed building over the years. I do not accept the appellant's contention that the previous Inspector's conclusion '*overlooks the significance of the architectural and historic importance of experiencing the open space layout of the south wing enjoyed by Sir William Charles Farrell-Skeffington (and his predecessors) in the C18*'.

40. The earlier periods were indeed significant, but so too were some of the more notable Victorian alterations including the Victorian Drawing room, which was specifically referred to in the list description. In reaching my conclusions I have had regard to the historical arguments put forward by the appellant. I now turn to each aspect of the works enforced against in terms of their impact on the character and integrity of the building and on its features of architectural and historic interest.

Works to remove walls in kitchen, utility/boot room/laundry and chimney breast

41. Although there are no submitted plans to indicate the layout of this part of the Hall prior to the layout shown in the earlier sales particulars, I agree with the previous Inspector that the kitchen/utility /Boot room works were C19 alterations. From the plans I have seen I consider that it is likely that the earlier layout would have been more open. The question at this stage, therefore, is the effect of the opening up of the space on the integrity of the building and on its features of special architectural and historic interest.

42. I have referred above to the fact that all of the works in turn have affected the character of the building through time. Having seen these works and having studied the previous layout and photographs for this part of the listed building I do not consider that the works have significantly harmed the building. They have altered the plan form but, whilst respecting both the Council's and the previous Inspectors comments, I consider that the changes are acceptable. The wall between the Kitchen and the Utility/Boot Room was clearly a structural wall, as was the wall to the Utility/Boot Room which contained the modern fireplace. The first floor bedroom layout confirms this to be the case. However, the C19 ground floor layout was extremely convoluted resulting in some awkwardly shaped and out of proportion rooms.

43. It seems to me that this part of the house was added to in a piecemeal fashion during the C19 and that these walls and partitions resulted in a cluttered plan-form which detracted from the original character of the former spacious layout of this part of the Hall. In principle, therefore, I do not consider that the opening up of this area has detrimentally or unacceptably harmed the character or integrity of the Hall.

44. Although it has resulted in the loss of the C19 walls and a modern fireplace, I do not consider that it has harmed any of the notable architectural and historic features. The positioning of the beams, although seeming somewhat large, results in the former layout being understood. In conclusion on these works I consider that listed building consent (LBC) should be granted and the appeal succeeds in part on ground (e) in respect of the removal of the walls to the Kitchen, Utility/Boot Room and removal of the modern fireplace .

Stud walls inserted in this area

45. In contrast, I find that the studwork wall, built to form a narrow corridor between the Kitchen/Breakfast Room and the west external wall, is completely at odds with both the former open historic layout and the even later Victorian era plan. It goes completely against the arguments and advantages of opening up this part of the south wing and, in my view, is a harmful addition to the current overall plan form in this part of the listed building. It appears to be a utility corridor but it, in my view, it neither enhances nor preserves the historic plan-form of this part of the Hall.

46. Its construction has included the loss of a secondary staircase and it is unclear why this could not have been left in position to provide access to the landing above. Furthermore it confuses any understanding of the walls which were in position before the beams were installed. I consider that the studwork wall is harmful to the character and integrity of the building and do not consider that LBC should be granted for this part of the unauthorised works as carried out. It is clear that the LPA would not have granted

LBC for this element of the works and I can find no justification to grant consent at this appeal stage. The appeal, therefore, fails on ground (e) in relation to these works.

Concrete floor, underfloor heating and stone flags to reception and dining areas

47. Having seen this part of the works, I consider that considerable harm has been done to the character and integrity of the Hall, as well as to some of its notable and special architectural and historic features. The raising of the floor simply to facilitate under-floor heating has been done in a most crude and ungainly manner. These rooms date back to well before the Victorian era, as do some of the most notable architectural and historic features. These include the Tudor Chimney Piece and the external and internal lobby doors. To treat them in this manner in order to simply install the underfloor heating almost amounts to wilful damage to some of the features of the Hall.

48. The external and inner front doors have been physically shortened in order to accommodate the rise in floor level. This has resulted in the lower sections of each door being completely out of proportion and out of character with the rest of the historic panels to the doors. Although some attempt has been made to match the historic workmanship, it is obvious that both doors have been unacceptably shortened, resulting in their character and integrity being harmed. The inner door in particular now looks ungainly and the old hinge to the outer door is fixed to a bottom rail that should be twice the height of that which has been left in position.

49. The raising of the floor adjacent to the staircase has also resulted in a most inappropriate and harmful alteration to this centrally located architectural and historic feature. I acknowledge that, at first sight, the works to the newel posts are not distinctly noticeable and I consider that the new stonework finish to the floor is acceptable and appropriate. However, when the heightened floor is seen overall, the loss of the first riser and going (step) at the bottom of the stair has resulted in the newel posts being positioned forward of the new first riser and step.

50. In my view this has detrimentally affected the character of this part of the Hall, as well as harming the special architectural and historic feature of the staircase. The consequences of raising the floor had not been sufficiently thought through in terms of the impact on the above features of the house. I find it difficult to conceive that anyone designing such a heating system would not understand the implications relating to the other historic features. Again the LPA clearly would not have granted LBC and I find no justification to grant consent at this stage. The appeal on ground (e) fails in respect of this part of the works.

Window shutters, skirting boards, picture rails and stone fireplace to Sitting Room

51. The Sitting Room is specifically referred to in the list description as the 'Victorian drawing room'. The above features would have all contributed positively to the character of the Hall during the Victorian era and clearly, when listed, the room as a whole was considered worthy of a specific reference. As referred to by the previous Inspector, even if these later Victorian works were not original, they still contributed to the special interest and significance of Skeffington Hall. They were part of the important phases of works that took place albeit after the occupation of Sir William Charles Farrell-Skeffington.

52. In my view the removal of these features has resulted in harm being caused to the character and integrity of the listed building. The window shutters, skirtings and picture rails would have been typical of C19 additions to the earlier features. In this case, I can find no architectural or historic excuse for their wholesale removal. Their removal has resulted in the Victorian drawing room being 'modernised', resulting in a bland and more contemporary room that has been stripped of some of its special historic interest.

53. I acknowledge, however, that the timber surround to the fireplace, albeit Victorian, detracted from the original stone fireplace. Having seen the submitted photograph, I do not consider that it is appropriate or necessary to replace this particular feature. Its loss in my view has not detrimentally affected the character of the Hall and has, indeed, improved the appearance of the fireplace. I shall, therefore, amend the requirements of the LBEN accordingly by deleting the requirement to restore it. However, the removal of the window shutters, skirting boards, and picture rails will not be granted LBC and again the appeal fails on ground (e) in respect of these works

Tudor Chimney piece in reception room

54. This chimney piece has appears to have simply been raised due to the change in floor height. From my inspection and from the submitted photographs the only difference appears to be that the top of the feature is closer to the ceiling of this reception room. Having seen the chimney piece I do not consider that LBC is necessary for this change. In my view, the character of the special feature has not been affected and can either be left in its present position or adjusted the height when the floor level is returned to its original level. I shall, therefore omit the requirement to restore this chimney piece.

Internal doors to sitting room dining and reception rooms

55. Clearly it will be necessary to adjust these doors following the lowering of the floors in these areas to their original level. LBC will not be granted for the retention of this part of the 2016 unauthorised works.

Entrance door and porch door

56. I have referred above to these doors and the harm caused to them by the raising of the floor. Again LBC will not be granted for the retention of this part of the unauthorised 2016 works.

Overall conclusion on the ground (e) appeal

57. For the reasons set out above, I have found some of the 2016 works to the Hall to be acceptable (*Works to remove walls in kitchen, utility/boot room/laundry and chimney breast*). I have, however, found other works to be unacceptable (*Stud walls inserted in that area; the raised concrete floor and underfloor heating to reception and dining areas and the removal of window shutters, skirting boards and picture rails*). I find all of these works to be contrary to policy CS11 of the CS; to policy HC1 of the LP and to policies within section 16 of the NPPF. I shall, therefore, issue a split decision with regard to these works and shall also vary the requirements of the LBEN accordingly.

The appeal on ground (i)

58. To be successful on this ground it must be conclusively shown that the steps required by the notice for the purpose of restoring the building to its former state would not serve that purpose. In this case its former state is that which it was in immediately prior to the unauthorised 2016 works being carried out. Thus, it includes all of the works as set out in the LBEN and irrespective of the different historic periods of the Hall.

59. In accordance with my findings on the ground(e) appeal, I have, as indicated above, varied the requirements of the notice. Clearly the requirements are reduced as a consequence of my conclusions. Having considered these reduced requirements I consider that they are all necessary and appropriate. Furthermore, I do not accept that any of them would not serve the purpose of restoring the Hall to the state it was in prior to these specific works being carried out. There is insufficient evidence provided to counter my conclusions in this respect and the appeal must fail, therefore, on ground (i).

The appeal on ground (k)

60. I have already referred above to the fact that the appeal on ground (k) is misguided. It cannot be argued that the steps required to be taken exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of a listed building consent had been complied with. There is no LBC in place and the works were carried out without consent and the previous Inspector dismissed the appeal against the LBC being refused. As indicated above this ground refers to the state in which the building would have been if it had accorded with the terms and conditions of a LBC and if it accords, or not, with the LBEN. The appeal must fail on ground (k).

The appeal on ground (h)

61. The compliance period is 12 months. The Council indicates that without clear evidence from the appellant, that this falls short of what should reasonably be allowed, it remains satisfied that a 12 month period is sufficient to comply with the breach set out in the LBEN. It is considered to be sufficient, justified and in the public interest.

62. Although the appellant has ticked the box 'h' on the appeal form, there is no indication of what is considered to be a reasonable and sufficient period in which to carry out the requirements of the notice. As indicated above the statement prepared on behalf of the appellant does not specifically deal with each of the grounds of appeal and there is no specific reference to a ground (h) appeal in the statement.

63. Having considered the remaining requirements, following on from my conclusions above, I consider that 12 months is a reasonable and sufficient compliance period. I shall not vary the compliance period and the appeal fails on ground (h).

64. However, LPA has the discretion to extend the compliance period if it considers that any particular circumstances warrant such an extension of time.

Other Matters

65. In reaching my conclusions on the grounds pleaded, I have considered all of the submissions made on behalf of the appellant, by the Council; by the Parish Council and by other interested persons. These include the history of the Hall; the planning history of works carried out; the initial documents submitted; the detailed statements; the submitted plans and photographs and the two sets of sales particulars/plans.

66. However, none of these carries sufficient weight to alter any of my conclusions on the grounds of appeal and nor is any other factor of such significance so as to change my decision in any way.

Formal Decision

67. The appeal succeeds in part on ground (e) and listed building consent is granted for 'Removal of internal walls between kitchen and former utility/boot room and former laundry/boiler room; Removal of chimney breast /fire surround in former utility/boot room and staircase to first floor at Skeffington Hall, Rolleston Road, Skeffington , Leicester LE7 9YD.

68. I direct that the LBEN be varied by deleting in full requirements a) and b), as set out in Part 5 of the Notice (What you are required to do).

69. I direct that LBEN be varied by deleting in full requirement c) as set out in Part 5 of the Notice (What you are required to do) and by substituting therefor the following requirement: '*(c) Remove the stud wall between the newly formed kitchen/breakfast area and the external wall*'.

70. I direct that the LBEN be varied by deleting the words '*reinstate stone flags*' at the end of requirement d) in Part 5 of the notice (What you are required to do) and by substituting therefor the words '*replace the new stone flooring to the lowered original level of the floor in these areas*'.

71. I direct that the LBEN be varied by deleting in full requirement f), as set out in Part 5 of the Notice (What you are required to do).

72. I direct that the LBEN be varied by deleting in full requirement g), as set out in Part 5 of the Notice (What you are required to do).

73. Otherwise the appeal is dismissed and listed building consent is refused for all of the other works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Anthony J Wharton

Inspector