
Appeal Decision

Site visit made on 22 June 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 29 June 2020

Appeal Ref: APP/E2340/F/19/3233595

Langroyd Hall, Langroyd Road, Colne, Lancashire BB8 7AN

- 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 Lyndon Dodd (EH Captical Partners 3 Ltd) against a listed building enforcement notice issued by Pendle Borough Council.
 - The enforcement notice was issued on 10 June 2019.
 - The contravention of listed building control alleged in the notice is the unauthorised removal of the slate roof, leadwork, and the stone lantern on the building.
 - The requirements of the notice are (i) Replace the original roofing slates removed from the building's roof; (ii) Ensure that any shortfall of original slates is made up of natural slates of identical form, size and appearance; (iii) Ensure that the slates overlay a breathable membrane; (iv) Replace the leadwork flashing and original ridge tiles; and (v) Replace the original stone lantern finial and secure it to the apex of the front porch gable.
 - The period for compliance with the requirements is 28 days.
 - The appeal is made on the grounds set out in section 39(1)(d) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The listed building enforcement notice is varied by the deletion of '28 days' in section 6 of the notice and the substitution instead of 'six months'. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Procedural matter

2. The Appellant claims that the period for compliance with the requirements of the enforcement notice falls short of what should reasonably be allowed. This is a ground (h), rather than a ground (i), matter. The appeal will be determined on the basis that it is made under grounds (d) and (h).

Reasons

The ground (d) appeal

3. The Appellant purchased Langroyd Hall in February 2019. Shortly afterwards the building was vandalised by trespassers gaining access to the roof to steal leadwork. The stone lantern referred to in the breach of listed building control was dislodged during this period of vandalism. The Appellant maintains that a concerned police officer advised him to remove the slate roof, leadwork and stone lantern and to cover the roof to prevent further damage and for safety reasons. However, there is no documentary evidence of this advice and no record of any incident being investigated by the police. Removal of the roof, leadwork and stone

lantern might have been a solution to the immediate problem but security could have been provided by other means and preventing the ingress of rainwater could have been achieved also by other means.

4. There is no evidence to indicate that the unauthorised works were urgently necessary in the interests of safety or for the preservation of the building, or that the works carried out were limited to the minimum measures urgently necessary. The ground (d) appeal thus fails.

The ground (h) appeal

5. With regard to a matter raised by the Council the Appellant is entitled to await the outcome of his appeal before complying with the requirements of the enforcement notice. The roof of Langroyd Hall is large and complex with many roof planes. Twenty eight days is a wholly inadequate period to plan for and carry out the works required by the notice, particularly during the current period of uncertainty caused by the COVID-19 pandemic. The Appellant is seeking a compliance period of six months and this is a reasonable period for compliance with the requirements of the notice. The ground (h) appeal thus succeeds.

John Braithwaite

Inspector