

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
(as amended)

LISTED BUILDING ENFORCEMENT NOTICE
(Unauthorised Works)

WHEREAS:

(1) The building situate at and known as Kingsbury Watermill ("The Waffle House") St.Michael's Street, St.Albans, Hertfordshire shown edged red on the attached plan is a listed building as defined in Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act").

(2) The building is situate within the district of the St Albans District Council ("the Council"), being the local planning authority for the purposes of the Act.

(3) It appears to the Council that the following works, specified in Schedule 1 ("the said works") have been carried out to the building and that the said works involve a contravention of Section 7 of the Act in that the said works are for the alteration and 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 the Act, no listed building consent having been granted therefore.

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

(5) **NOTICE IS HEREBY GIVEN** that, in exercise of their powers under Section 38 of the Act, the Council require that the steps specified in Schedule 2 hereto be taken to restore the building to its former state within the period of 6 months from the date on which this notice takes effect.

(6) **THIS NOTICE SHALL TAKE EFFECT**, subject to the provisions of section 39(2) of the Act, on 28 December 2018

SCHEDULE 1

The said works that have been carried out to the Building.

The building has been extended to the south and west elevation of which the extension comprises of a marquee attached to the building via canvas link that is secured in place by keder rails, wooden battens and metal plates. The numerous mechanical fixings along the south and west elevations constitute alterations which have affected the special character of the building.

The extension measures approximately 21.2 metres wide by 10.9 metres deep and 4.1 metres in height to the ridge (shown edged blue on the attached plan.)

The internal metal frame is clad in a white coloured canvas with clear sheet vinyl windows and wooden double doors. The extension is set on a flagstone floor. The extension is attached to the building by a canvas link and fixed via wooden batons and metal plates.

SCHEDULE 2

The works to restore the building to its former state.

1. Demolish the extension that comprises of a marquee attached to the building via canvas link that is secured in place by keder rails, wooden battens and metal plates (shown edged blue on the attached plan)
2. Make good any damage to the Building to match the existing original work adjacent undisturbed by the unauthorised works in respect of materials used, detailed execution and finished appearance.
3. Remove from the site (edged red on the attached plan) all rubble and building materials arising from compliance with steps 1. and 2. above.

Issued 16 November 2018



A handwritten signature in black ink, appearing to read 'C Turner', is positioned above a horizontal dotted line.

Charles Turner
Solicitor to the Council

St Albans District Council
Civic Centre
St Peters Street
St Albans
Herts AL1 3JE

ANNEX 1

The Council consider it expedient to issue the attached Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the following reasons:-

There is no doubt that the marquee has been in use as an extension since 2013. The extension is fully lit, heated and has mechanical ventilation. It is an extension of the restaurant use of the building. The marquee has numerous mechanical fixings into the 17th to 18th century walls of the building. As stated in section 1(5)(a) of the Act any object or structure fixed to the building shall be treated as part of the listed building; here the marquee is ancillary to the host building. It is apparent that the marquee became part of the listed building upon its erection and is therefore subject to the provisions of the Act.

The extension provides additional restaurant covers to supplement the seating located within the storage barn, the mill and mill parlour. Whilst this is considered to provide some public benefit this does not outweigh the substantial harm caused by the extension. It is not considered to be the substantial public benefit as defined in paragraph 195 of the National Planning Policy Framework (NPPF) July 2018. Additionally there is no clear and convincing justification for harm caused by the extension as required by paragraph 194 of the NPPF 2018.

The extension does not comply specifically with Policy 69(i) and (ii) General Design and Layout, Policy 85 (i)(b),(i) (c) and (i) (e) Development in Conservation Areas and Policy 86 (i) and (iii) (g) Buildings of Special Architectural or Historic Interest of the adopted St.Albans District Local Plan Review 1994.

ANNEX 2

Your Right of Appeal

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 6 of the notice. The enclosed information sheet and information in the letter give details of your rights of appeal.

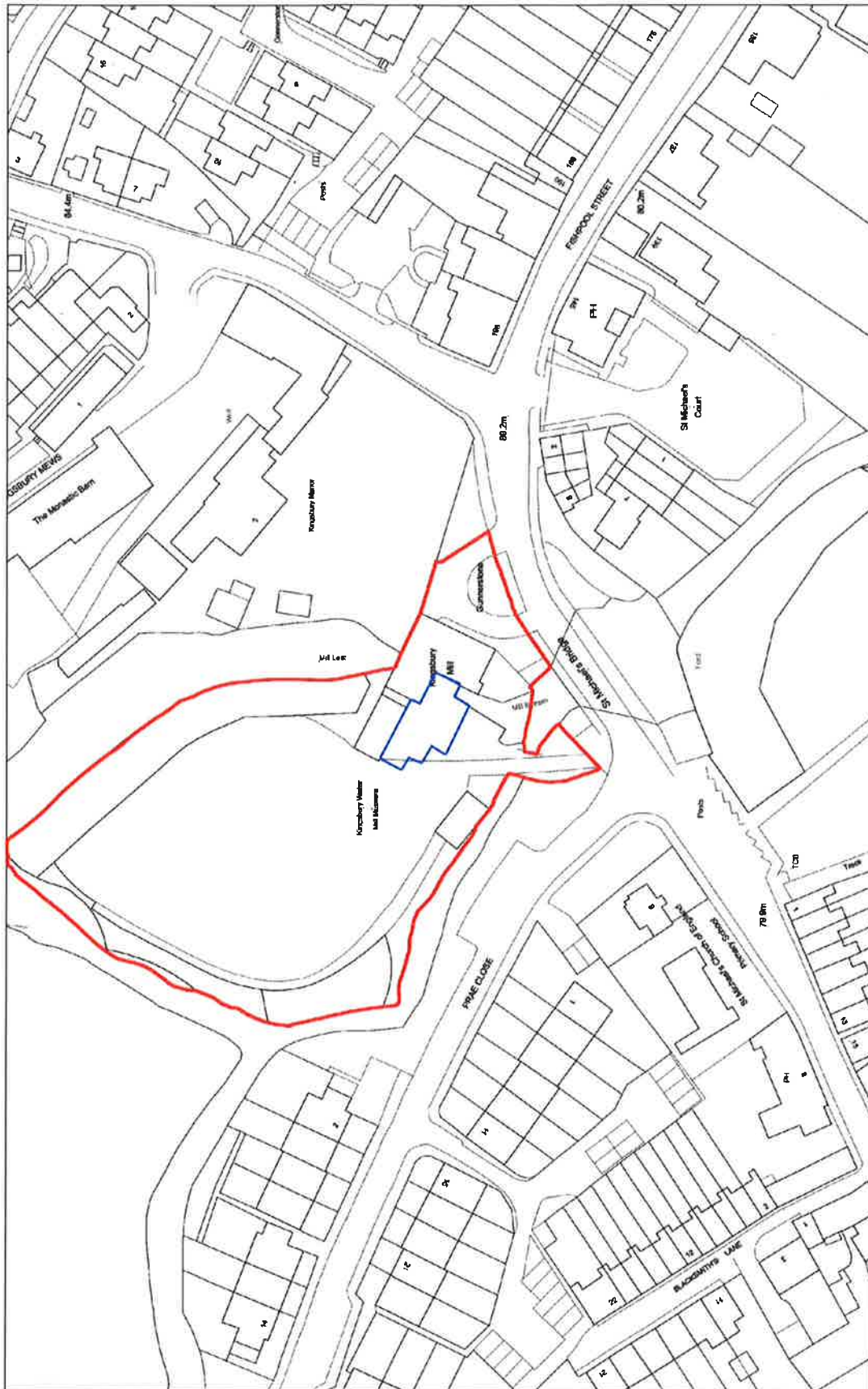
What Happens If You Do No Appeal

If you do not appeal against this listed building enforcement notice, it will take effect on the date specified in paragraph 6 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 5 of the notice. Failure to comply with a listed building enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

enforcement/lbenfn

Appendix 1: Site plan of Kingsbury Water Mill

- Site boundary outlined in red
- Extension outlined in blue



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