

Report

Report subject: Wall at the rear of Morgan's Chapel, The Quarry, Tisbury.

Report to: Western Area Committee.

Date: 19th December 2006.

Author: Stephen Hawkins, Principal Planning Officer (Enforcement).

Report Summary

For Members' information, to note the report of the Principal Planning Officer (Enforcement), following the partial removal of the above wall.

This report has been brought to the Western Area Committee at the request of Councillor Hooper, in view of the local interest in the matter.

Introduction

This matter concerns a natural stone boundary wall, just under one metre in height. It is situated on the eastern side of the narrow lane serving Jackson Terrace and Temperance Row, bounding a previously overgrown area of land to the rear of the dwelling known as Morgan's Chapel, a Grade II listed building.

The wall is not listed in its own right. The site lies within the Tisbury Designated Conservation Area.

The site, which has recently been cleared of vegetation, appears to be owned by the owners of the Old House, a Grade II listed building situated some distance away on the High Street, but is physically separated from the garden of that property by a stone boundary wall and modern garages.

Historically it appears that prior to being acquired by the owner of the Old House, the site was owned by Caundle Cottage, an unlisted property to the south.

An application for Conservation Area Consent to demolish a wall at the latter property (reference S/06/2221) is currently under consideration.



Awarded in:
Housing Services
Waste and Recycling Services



Planning History

The Council's attention was first drawn to the site in October 2005 following clearance of the land and felling of a small tree, neither of which required consent from the Council. Another modest tree had been heavily pollarded.

Subsequently the Council received representations to the effect that part of the wall the subject of this report, extending to six metres in length, was being dismantled. An agent for the then owner of the property advised that the wall was in a dangerous condition and that it was removed for safety reasons; the salvaged stone was then stockpiled on site.

The owner died in November 2005 and the property was then put up for sale; Officers decided that further action was therefore not appropriate at that stage but they wrote to the agent for the vendors drawing attention to the fact that the wall had been removed and advising that it should be erected on a like-for like basis.

In late October 2006, the Council were advised by a local resident and Tisbury PC, that a further part of the wall (approximately 2 metres in length) had been removed and a skip placed on the land. Additionally, the pollarded tree referred to above had been removed. Subsequently enquiries have established that these works were undertaken on behalf of the new owner.

The new owner has undertaken to reinstate the wall but to date has not given a timescale for undertaking the works.

Representations Received

Tisbury PC: Stress their commitment to reinstating stone walls to their former condition rather than demolition. Such structures should be conserved rather than eroded. Urge reinstatement of the wall to its original condition as soon as is practicable (summary).

Considerations

The Legal position

Whilst as noted above, the wall lay within the Conservation Area, its demolition is exempt from the requirement for Conservation Area Consent due to its limited height (under one metre).

By contrast the wall the subject of application S/06/2221 is over 1 metre high and therefore subject to Conservation Area controls.

As noted above the wall the subject of this report is not specifically listed and the ability of the Council to enforce rebuilding of the wall therefore depends on whether the wall is listed by virtue of its association to a listed building.

Consideration of the latter depends on factors such as the wall's physical relationship to the listed building, its past and present ownership and past and present use.

In relation to the Old House, the wall in question lies on a physically separate parcel of land which, it appears, was not owned by the Old House at the time of its listing but owned by another unlisted property, Caundle Cottage. The above factors tend to lead to the view that the listing of the Old House does not extend to the wall in question.

In relation to Morgan's Chapel, the wall is on an area of land which lies directly to the rear of that building. However, the land in question is physically separate and does not appear to have been owned or used in association with that building.

The conclusion in view of all of the above is that the wall is not listed by association with either of the above buildings and is therefore unlisted.

Conclusion

Removal of the wall has not resulted in a breach of Conservation Area or listed building controls and no offence has therefore been committed.

Officers are mindful of local concerns and are therefore continuing to negotiate with the owner to secure voluntary reinstatement of the wall.

RECOMMENDATION: That Members note the contents of this report.

Implications:

- **Financial: None at this time.**
- **Legal: Detailed in the report.**
- **Environmental implications: Detailed in the report.**
- **Council's Core Values: Efficient service.**
- **Wards Affected: Tisbury & Fovant.**
- **Human Rights: The recommendation would not result in any interference.**